

October 15, 1991

Gerald Armstrong
C/O Ford Greene.
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

Re: Religious Technology, et al., vs. Yanny

Dear Mr. Armstrong:

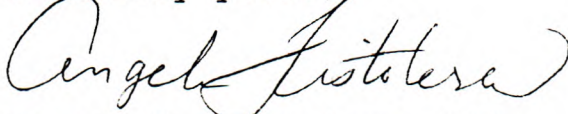
Please be advised that the original transcript of your deposition taken October 11, 1991 in the above-entitled matter is available for reading and signing. The original transcript will be held at the offices of Combs & Greenley, 49 Stevenson Street, Suite 400, San Francisco, CA 94105 (415) 512-1234, for thirty (30) days in accordance with California Code of Civil Procedure Section 2025 (q)(1):

"For 30 days following this notice the deponent, either in person or by a signed letter to the deposition officer, may change the form or the substance of the answer to any question, and may either approve the transcript of the deposition by signing it, or refuse to approve the transcript by not signing it."

If you are represented by counsel in this matter, you may wish to ask your attorney how to proceed. If you are not represented by counsel and wish to review your transcript, please contact our office for a mutually convenient appointment to review your deposition.

Thank you for your cooperation in this matter.

Sincerely yours,



Angela T. Fistolera, CSR

cc: Original transcript
Kendrick Moxon, Attorney at Law
John Clifton Elstead, Attorney at Law
Richard J. Wynne, Attorney at Law

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

--oOo--

RELIGIOUS TECHNOLOGY CENTER, a)
California Non-Profit Religious)
Corporation; CHURCH OF)
SCIENTOLOGY INTERNATIONAL, a)
California Non-Profit Religious)
Corporation; and CHURCH OF)
SCIENTOLOGY OF CALIFORNIA, a)
California Non-Profit Religious)
Corporation,)

Plaintiffs,)

vs.)

No. BC 033035

JOSEPH A. YANNY, an individual;)
JOSEPH A. YANNY, P.C. a)
Professional Law Corporation,)
and DOES 1 through 25,)
inclusive,)

Defendants.)

DEPOSITION OF

GERALD ARMSTRONG

October 11, 1991

CERTIFIED COPY

REPORTED BY: ANGELA T. FISTOLERA, CSR 7811 Job: 36658

I N D E XEXAMINATION BY: PAGE

MR. MOXON: 4

PLAINTIFF'S FOR
IDENTIFICATION DESCRIPTION PAGE1 Declaration of Kendrick L. Moxon 69
Executed July 18, 19912 Handwritten Declaration of Gerald 127
Armstrong, Executed July 19, 19913 Typewritten Declaration of Gerald 154
Armstrong, Executed July 16, 1991

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AREAS MARKED BY MR. MOXON

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Defendants.)

--oOo--

BE IT REMEMBERED that, pursuant to
Subpoena, and on Friday, October 11, 1991, commencing
at 10:00 a.m. thereof, at 49 Stevenson, Suite 400, San
Francisco, California, before me, ANGELA T. FISTOLERA,
a Certified Shorthand Reporter, personally appeared
GERALD ARMSTRONG,
called as a witness by the Plaintiff, who, having been
first duly sworn, was examined and testified as
follows:

1 BOWLES & MOXON, 6255 Sunset Blvd., Suite
2 2000, Los Angeles, California 90028, represented by
3 KENDRICK MOXON, Attorney at Law, appeared as counsel
4 on behalf of the Plaintiff.

5 SMITH, POLSON & ELSTEAD, 6140 Stoneridge
6 Mall Road, Suite 500, Pleasanton, California 94588,
7 represented by JOHN CLIFTON ELSTEAD, Attorney at Law,
8 appeared as counsel on behalf of Gerald Armstrong.

9 CUMMINS & WHITE, 865 S. Figueroa Street,
10 24th Floor, Los Angeles, California 90017-2566,
11 represented by RICHARD J. WYNNE, Attorney at Law,
12 appeared as counsel on behalf of the Defendant.

13 ALSO PRESENT: MATT WARD, Law Clerk

14 --oOo--

15 EXAMINATION BY MR. MOXON

16 MR. MOXON: Q. State and spell your name
17 for the record, please.

18 A. Gerald Armstrong, G-e-r-a-l-d,
19 A-r-m-s-t-r-o-n-g.

20 Q. You were subpoenaed to appear today?

21 A. Yes.

22 Q. Are you represented by counsel?

23 A. Yes.

24 Q. Who?

25 A. John Elstead at the end of the table.

1 Q. Is Mr. Wynne also representing you?

2 A. No.

3 Q. Do you have any other counsel who advised
4 you in this deposition other than Mr. Elstead?

5 MR. ELSTEAD: Are you asking him whether
6 he had other counsel representing him in this matter?

7 MR. MOXON: Yes.

8 THE WITNESS: I don't believe so.

9 MR. MOXON: Q. Not certain?

10 A. Well, let's put it this way --

11 MR. ELSTEAD: The question is whether or
12 not you had other counsel representing you in this
13 matter.

14 THE WITNESS: You originally asked had
15 anyone advised me.

16 MR. ELSTEAD: The question is, did you
17 have other counsel. I think the answer is no, right?

18 THE WITNESS: Right. The answer is no.

19 MR. MOXON: Q. But you may have other
20 counsel who advised you even though they don't
21 represent you?

22 MR. ELSTEAD: I would advise the witness
23 not to answer that question.

24 MR. MOXON: On what basis?

25 MR. ELSTEAD: Attorney/client privilege.

1 MR. MOXON: I'm a little confused.

2 MR. ELSTEAD: That's okay. It won't be
3 the first time.

4 MR. MOXON: Have I ever met you before?

5 MR. ELSTEAD: About ten minutes ago.

6 MR. MOXON: Q. Do you have other counsel
7 that represents you in this matter?

8 MR. ELSTEAD: He just answered no.

9 THE WITNESS: No.

10 MR. MOXON: I would appreciate it if you
11 would allow the witness to answer the question -- let
12 me finish.

13 MR. ELSTEAD: Let me make a point right
14 here -- do you want us to leave?

15 MR. MOXON: I am not following your
16 objection. Are you here to testify today?

17 MR. ELSTEAD: Whenever you are done let
18 me know.

19 MR. MOXON: Q. Do you have other counsel
20 representing you in this matter?

21 MR. WYNNE: I'm going to object to the
22 question. Vague and ambiguous. What do you mean by
23 "in this matter"? Mr. Armstrong is not a party to
24 this dispute.

25 MR. MOXON: Q. Answer.

1 A. I've answered the question already. I
2 have no other representation in this deposition.

3 MR. MOXON: Q. Have you spoken to any
4 other counsel with respect to this deposition other
5 than Mr. Elstead?

6 MR. ELSTEAD: I'd advise the client not
7 to answer the question on the grounds of
8 attorney/client privilege.

9 MR. MOXON: Q. Answer, please.

10 A. I think I can just clarify this and end
11 it all.

12 Q. Okay.

13 A. I have spoken to Ford Greene in order to
14 coordinate times. I've spoken to Larry Bartilson in
15 order to coordinate times. I've spoken to Barry
16 Van Sickle to coordinate times. That's the extent and
17 that's all that's been done. I've not discussed my
18 testimony with anyone.

19 MR. MOXON: Q. When did you speak to
20 Mr. Van Sickle regarding this?

21 A. A few days ago.

22 Q. Did Mr. Van Sickle provide you with any
23 guidelines or any recommendations with respect to the
24 deposition?

25 A. He simply said that there was going to be

1 a hearing on Monday following which a scheduling of
2 this deposition would probably be worked out.

3 Q. Did you speak to Mr. Yanny about today's
4 deposition?

5 A. I have probably spoken to him to the
6 extent that he knew that I was subpoenaed. I've not
7 spoken to him about contents or my intended testimony.

8 Q. When did you speak to Mr. Yanny about the
9 deposition?

10 A. Probably around the time that I received
11 a subpoena, and I'm not certain of the date. It was
12 probably maybe the 1st or 2nd of October, although I
13 don't know the date for certain.

14 Q. Did you speak to him by phone or in
15 person?

16 A. By phone.

17 Q. Did you call him?

18 A. Yes. I believe after I received the
19 deposition I called him.

20 Q. Did you ask Mr. Yanny what the
21 deposition --

22 A. The subpoena rather.

23 Q. Excuse me. Did you ask Mr. Yanny what
24 the deposition would be about?

25 A. What the deposition would be about -- no.

1 I received a copy of the subpoena, so I understood
2 what it was about.

3 Q. Did you have any discussion with
4 Mr. Yanny concerning what the deposition would be
5 about?

6 A. No. Again, with him I believe the
7 substance of our communication was to do scheduling.

8 Q. So you had no discussions with Mr. Yanny
9 whatsoever as to the subject matters of this
10 deposition; is that correct?

11 A. If there was anything regarding that it
12 is inconsequential and nothing comes to mind.

13 Q. Do you know how long you talked to
14 Mr. Yanny after you received the subpoena?

15 A. No.

16 Q. Do you recall when that was?

17 A. I've answered that just a moment ago, but
18 my recollection regarding this is that I received the
19 deposition subpoena on approximately October 1st. And
20 I spoke with Mr. Yanny shortly thereafter regarding
21 the deposition. And regarding the deposition was
22 principally, when does it go ahead or if, and so on.

23 Q. Can you tell me when you first met
24 Mr. Yanny?

25 A. I kind of want to say -- I can tell you

1 when it occurred. It might have been November 1989,
2 although the first time I met him was after attending
3 a hearing. I think the hearing was in the Corydon
4 case in Los Angeles Superior Court.

5 And the hearing had to do with the Bent
6 Corydon's taking of my deposition in that case in an
7 attempt by the organization to prevent my deposition
8 from going ahead. And it was following that hearing
9 that I met Mr. Yanny for the first time.

10 Q. What do you mean by the term "the
11 organization"?

12 A. The organization I'm referring to is the
13 Scientology organization.

14 Q. You are equating that with all the
15 Churches of Scientology?

16 A. All of what you call the Churches of
17 Scientology to me are one organization. They act as
18 one. They are controlled as one. They are in every
19 way one organization.

20 Q. Did you speak to Mr. Yanny in the
21 courthouse at that time?

22 A. I believe so. He certainly introduced
23 himself and he knew who I was. I had prior to that
24 received in my hand, it may have been a trial subpoena
25 at that time, and that was my first introduction to

1 him.

2 Q. Was it Mr. Wynne --

3 A. I don't know who actually handed this
4 trial subpoena to me. My recollection was that it was
5 a process server, but it could have been Mr. Wynne. I
6 don't know.

7 Q. That was the trial subpoena for the Yanny
8 case?

9 A. Yes.

10 Q. That is, the Church of Scientology versus
11 Yanny in the Superior Court?

12 A. We're talking about Yanny one here, the
13 first. And so far there's been one Yanny trial and
14 that was a trial subpoena for that trial.

15 Q. We'll call that the Yanny one case then.
16 That would be the case of Religious Technology Center
17 versus Joseph Yanny and the present case we'll call
18 Yanny two then.

19 A. That's fine.

20 Q. Did you arrange with anyone to come to
21 the courthouse to accept that subpoena?

22 A. No.

23 Q. Did you arrange with anyone to come to
24 the courthouse for that hearing?

25 A. I probably -- and, again, I have no

1 present recollection of it. But just the way I would
2 have operated in life, I know that the hearing was
3 going ahead. I know that the hearing concerned me.

4 I had been in touch with Toby Plevin and
5 Bent Corydon regarding it. So in that sense it seems
6 very likely that I let them know that I was going to
7 be there.

8 MR. ELSTEAD: Excuse me. Could we go to
9 the restroom?

10 (Short recess.)

11 MR. ELSTEAD: I know the witness has
12 requested witness fees before he's going any further
13 with this deposition.

14 MR. MOXON: That was your idea.

15 MR. ELSTEAD: No, it wasn't.

16 MR. MOXON: I didn't hear him saying
17 that.

18 Q. Is that what you were demanding?

19 MR. ELSTEAD: He said he wants his money
20 right now before he goes any further.

21 MR. MOXON: Off the record.

22 (Discussion off the record.)

23 MR. MOXON: Back on the record.

24 I'm tending to the witness the amount of
25 \$50 for witness fee and mileage expenses.

1 MR. ELSTEAD: Do you want a receipt?

2 THE WITNESS: How do you spell your first
3 name?

4 MR. MOXON: It's okay. It's on the
5 record. Don't bother with a receipt.

6 MR. ELSTEAD: It's on the record now.

7 THE WITNESS: Okay.

8 MR. MOXON: Q. You say you were in
9 communication with Toby Plevin and Bent Corydon
10 regarding the hearing in the Corydon case when you
11 first met Mr. Yanny; is that correct?

12 A. I was -- yes.

13 Q. Did Miss Plevin call you and request that
14 you come to the hearing?

15 A. I have no present recollection of it.

16 Q. Did you have a recollection before the
17 break?

18 A. At the time?

19 Q. Before the break today, did you have a
20 recollection of whether or not Miss Plevin called you
21 and asked you to come to the hearing?

22 A. No. My recollection is that wasn't the
23 case. That I was down there. I went on my own
24 initiative. I went down there innocently.

25 Q. How did you know the hearing was

1 occurring?

2 A. I can't tell you. I don't know. I don't
3 know what first ticked me off. I don't know.

4 Q. Who did you talk to about the hearing
5 before the hearing?

6 A. I have no present recollection.

7 Q. Did you talk to Toby Plevin prior to the
8 hearing?

9 A. I just you know -- I am certain that I've
10 talked to Toby Plevin about that hearing before, about
11 that hearing after. I believe that I've put it in
12 declarations which you people already have. And my
13 recollection at the time of the declaration is better
14 than it is now. So I'll stand on that.

15 Q. You do recall, though, that you talked to
16 Toby Plevin about the hearing before the hearing?

17 A. It seems extremely likely.

18 Q. Why? Do you have a lot of communication
19 with Toby Plevin?

20 A. Yes.

21 Q. Is Toby the one who represents you?

22 A. She may at some point. We've discussed
23 representation.

24 Q. She doesn't represent you now?

25 A. No.

1 Q. She is going to represent you at the time
2 of the hearing in the Corydon case; is that correct?

3 A. No.

4 Q. You had a number of communications with
5 her however at that time?

6 A. Yes.

7 Q. Did those communications include the
8 provision by you of assistance in the trial?

9 MR. ELSTEAD: Objection. I'm going to
10 advise the client not to answer on the grounds of
11 attorney/client privilege. Don't answer the question.

12 MR. MOXON: Q. Are you following your
13 counsel's advice?

14 A. Yes.

15 MR. ELSTEAD: That's enough.

16 MR. MOXON: Q. Who's the attorney in the
17 attorney/client relationship here for which you are
18 interposing the objection?

19 MR. ELSTEAD: I advised him not to answer
20 the question and I advise him not to answer this one
21 on the same issue.

22 MR. MOXON: I'm --

23 MR. ELSTEAD: You are trying to probe
24 into the attorney/client privilege. He explained to
25 you that the person he spoke to was Toby Plevin. And

1 I'm going to instruct him not to answer any further
2 questions regarding the substance of any discussions
3 he had with her. You are entitled to know he has
4 spoken to her and so on.

5 MR. MOXON: On what basis?

6 MR. ELSTEAD: Attorney/client privilege.

7 MR. MOXON: What attorney? Who's the
8 attorney for which the privilege is being asserted?

9 MR. ELSTEAD: I'm not to go to explain
10 the law to you. I'm not going to explain any further
11 than that. If you don't know find out at a later
12 date.

13 MR. MOXON: So to make it clear for the
14 record, when there's an objection I need to have the
15 purpose for future motions to compel.

16 Q. So my question to you is, do you refuse
17 to tell me who the attorney is for whom you are
18 claiming attorney/client privilege with respect to
19 your -- I was interrupted.

20 My question to you is, please identify
21 the attorney with whom you assert you have an
22 attorney/client privilege with respect to your
23 communication with attorney Plevin at the time of the
24 hearing which you appeared in in the Corydon case.

25 MR. ELSTEAD: Don't answer.

1 MR. WYNNE: Misstates the witness'
2 testimony and probably misstates the objection.

3 MR. MOXON: It's a question.

4 MR. ELSTEAD: Don't answer the question,
5 Mr. Armstrong.

6 MR. MOXON: On what basis,
7 attorney/client privilege?

8 MR. ELSTEAD: Yes.

9 MR. MOXON: Is that "yes"?

10 MR. ELSTEAD: I've already given you my
11 answer.

12 MR. MOXON: On what basis, Mr. Armstrong?

13 MR. ELSTEAD: Don't answer the question,
14 Mr. Armstrong. Go on and ask a new question now
15 regarding the substance of this deposition.

16 MR. MOXON: Mark that. We'll proceed to
17 compel.

18 Q. Prior to the hearing in the Corydon case
19 when you first physically met Joe Yanny, did you have
20 any oral communications with Joe Yanny?

21 A. No.

22 Q. Did you have any written communications
23 with Joe Yanny?

24 A. No.

25 Q. Did you have any communications with

1 Yanny prior to that time through another person?

2 A. I cannot say what other people told
3 Joseph Yanny about me or what I said.

4 Q. Did you communicate with anyone and
5 request that person communicate to Joe Yanny on your
6 behalf?

7 A. No.

8 Q. How about the other way around? Did
9 anyone provide communication through Yanny to you?

10 A. Not that I know of.

11 Q. At that time?

12 A. No.

13 Q. Do you know approximately when that
14 hearing was that we're talking about, the Corydon
15 case?

16 A. I answered that as best I could.

17 Q. What was your best recollection, what
18 month?

19 MR. WYNNE: Objection. Asked and
20 answered.

21 THE WITNESS: It comes to mind as
22 November '89, but I'm not sure.

23 MR. MOXON: Q. Did Toby Plevin provide
24 you with any money to come to Los Angeles for that
25 hearing?

1 A. No.

2 Q. Who paid for your transportation?

3 A. I suppose I did.

4 Q. Are you certain?

5 A. Well, no one else did.

6 Q. Were you reimbursed for your travel
7 expenses to come to that hearing in November '89?

8 A. No.

9 Q. Did you have any discussions around the
10 time of that hearing, November '89 in the Corydon
11 case, with Mr. Yanny concerning providing him
12 testimony in his case?

13 MR. ELSTEAD: This case, which one?

14 MR. MOXON: Q. In Yanny one.

15 A. I have no recollection of any such
16 communications. Mr. Yanny and I spoke at the time and
17 we spoke about all sorts of things.

18 Q. What did you speak about?

19 A. Mr. Yanny and I have a religious
20 relationship which precludes me from discussing those
21 communications. I will get into them to the extent
22 that they may be relevant to this matter, but other
23 than that I'm going to honor that relationship.

24 Q. At the time you spoke to Yanny in the
25 hallway in the courthouse in November '89, is it your

1 testimony you had a religious relationship with
2 Mr. Yanny?

3 A. Our religious relationship began around
4 that time, but it covers that period.

5 Q. When you first spoke to Mr. Yanny did you
6 have a religious relationship with him when you first
7 met him?

8 A. That's a theological question and the
9 answer to it is yes.

10 Q. Tell me what this religious relationship
11 is, if you would, please.

12 A. We are members of the same church.

13 Q. What's the name of the church?

14 A. It doesn't have a name.

15 Q. Are there any other members?

16 A. Yes.

17 Q. Could you identify them?

18 A. I can identify a number of them. I will
19 not.

20 Q. Is this church part of a religion?

21 MR. WYNNE: Objection. Vague and
22 ambiguous. Do you want to explain what you mean by
23 "religion," counsel?

24 MR. MOXON: Q. You can answer the
25 question.

1 A. I would say that yes it is. It's a
2 religious church.

3 Q. What's the name of the religion?

4 A. It does not have a name.

5 Q. Is there an actual church building?

6 A. Nothing that has been so designated.

7 Q. Are there any books published regarding
8 this religion?

9 A. There are some tracks.

10 Q. Could you explain? Define what you mean
11 by "tracks."

12 A. Smaller than books. There are some
13 writings on the subject.

14 Q. Written by whom?

15 A. The ones that I know of are written by
16 me.

17 Q. Are there any others that you don't know
18 of?

19 A. Members are free to write about churches
20 they want, so are others.

21 Q. Who created the church?

22 A. As far as I can determine the idea
23 originated with me.

24 Q. As far as you can determine?

25 A. Someone may have had an identical idea at

1 some point.

2 Q. What are the precepts of this church?

3 A. It has one belief.

4 Q. What's that?

5 A. It has a corollary and it has the
6 obvious.

7 Q. What is their one belief?

8 A. That when members of the church are
9 together God is present.

10 Q. What's the corollary?

11 A. That therefore everything that is done,
12 everything that is said between the members of the
13 church is sacred.

14 Q. What's the obvious?

15 A. It's always been that way, is now and
16 always will be.

17 Q. Are there any other beliefs?

18 A. There's just the one belief.

19 Q. Is there any other dogma of the church?

20 A. There's some what could be called dogma
21 or spinoff.

22 Q. What do you call it?

23 A. What do I call what?

24 Q. The dogma or spinoff?

25 A. Dogma or spinoff is dogma or spinoff.

1 Q. Is this dogma in writing?

2 A. Yes.

3 Q. It's not part of the beliefs?

4 A. There's one belief.

5 Q. All right. So the dogma is not part of
6 any religious belief; is that correct?

7 A. There's one belief.

8 Q. I'm trying to understand what you've told
9 me.

10 A. Dogma is dogma.

11 Q. What's the dogma of the church, dogma or
12 spinoff?

13 A. I don't think I will go into it at this
14 time. I think you have enough to go on regarding the
15 church.

16 Q. You refuse to answer?

17 A. Yes.

18 Q. Are there any ministers of the church?

19 A. Although they may not be called
20 ministers, yes, they serve the same function.

21 Q. Have they been ordained by anyone?

22 MR. ELSTEAD: If you don't want to answer
23 these questions regarding the structure, organization,
24 beliefs of this church I'll advise you you are not
25 obligated to. It's not pertinent in any form or

1 fashion to this deposition.

2 THE WITNESS: Okay. Then I believe that
3 I have answered to the extent that I should.

4 MR. MOXON: Q. You refuse to answer?

5 A. Right.

6 Q. Is this church incorporated?

7 A. No.

8 Q. Is it registered?

9 A. No.

10 Q. It's not registered with any government
11 entity?

12 A. No.

13 Q. Is it registered with any other religious
14 entity?

15 A. No.

16 Q. Is it affiliated with any other church?

17 A. No.

18 Q. Is Bent Corydon a member?

19 MR. ELSTEAD: I'll advise the client not
20 to answer that on the grounds of privacy.

21 MR. WYNNE: I'm joining that.

22 MR. MOXON: Q. Answer, please.

23 A. I think at this time that I will follow
24 the instruction of my counsel and not answer.

25 MR. MOXON: Q. Is Joe Yanny a member?

1 A. I've told you that he is.

2 Q. When did he become a member?

3 A. Around that time.

4 Q. You don't know when?

5 A. I don't have an exact date in mind.

6 Q. Did Mr. Yanny suggest to you that this
7 religion be created?

8 A. No.

9 Q. Did he suggest to you that the church be
10 created?

11 A. No.

12 Q. Did he suggest to you that it would be a
13 good idea for him to be a member?

14 A. No.

15 Q. How do you know he's a member?

16 A. I asked him if he wanted to be a member.

17 Q. When?

18 A. Around that time.

19 Q. And did Mr. Yanny tell you that being a
20 member of your church would protect your
21 communications between yourself and Yanny?

22 A. No.

23 Q. Were you aware of that?

24 A. I'm aware of it.

25 Q. Does the church create it in part to

1 protect communications between yourself and Yanny?

2 A. No.

3 Q. Is Mr. Yanny a minister of that church?

4 A. I'm not sure what he calls himself
5 regarding the church. I consider him a member.

6 Q. You consider yourself to be what?

7 A. A member and I'm also the founder.

8 Q. You consider yourself to be a minister?

9 A. Yes.

10 Q. To whom do you minister?

11 A. I do not differentiate with regards to
12 who I minister to.

13 Q. I don't understand your answer.

14 A. Okay.

15 Q. So would I be considered a member of your
16 church?

17 A. If you wish to be a member you can be a
18 member. We have one belief. It is that when members
19 of the church are together God is present.

20 Q. Is God present if there's someone present
21 with you who's not a member of the church?

22 A. Now we are entering into a theological
23 discussion.

24 MR. ELSTEAD: I'd advise you not to
25 answer.

1 THE WITNESS: It's beyond the belief of
2 the church.

3 MR. MOXON: Is Mr. Wynne a member of the
4 church?

5 MR. ELSTEAD: I'd advise you not to
6 answer on the grounds of privacy.

7 MR. MOXON: Q. Is Mr. Wynne a member of
8 your church?

9 A. I can't answer at this time.

10 Q. Why?

11 A. I cannot.

12 MR. ELSTEAD: Are you recalling my advice
13 not to answer on the grounds of privacy?

14 THE WITNESS: Okay. Fine.

15 MR. MOXON: You are refusing to tell me
16 whether or not Mr. Wynne is a member on the basis of
17 Mr. Wynne's privacy?

18 MR. ELSTEAD: Don't answer that question,
19 Mr. Armstrong.

20 MR. MOXON: Q. Answer, please.

21 MR. ELSTEAD: Don't answer,
22 Mr. Armstrong.

23 MR. MOXON: Answer or refuse to answer.
24 I need something on the record.

25 MR. ELSTEAD: You've asked the question

1 many times and you've been told he will not answer.
2 You can sit here and ask him seven days that same
3 question and the response will be exactly the same.
4 He will not answer the question.

5 MR. MOXON: Can we stipulate for the
6 record that when you instruct the witness not to
7 answer that he's following that advice and not
8 answering otherwise, Mr. Elstead, I'm going to have to
9 ask him on the record.

10 MR. ELSTEAD: He said that he refuses to
11 answer that question on the basis of my advice based
12 upon the objection of right of privacy.

13 MR. MOXON: Will you stipulate?

14 MR. ELSTEAD: Stipulate to what?

15 MR. MOXON: Stipulate that when you
16 instruct your client not to answer a question that he
17 will not answer the question based upon your advice?

18 MR. ELSTEAD: I will stipulate to that,
19 yes.

20 MR. MOXON: Q. You to, Mr. Armstrong?

21 MR. ELSTEAD: Do you want that
22 procedure -- let me explain what's happening. He's
23 correct in that point. When I advise you not to
24 answer and if you don't answer he's going to ask you,
25 "Will you answer," and you say, "no" each time or we

1 can have a stipulation that I advise you not to answer
2 and you don't answer. We are in effect agreeing that
3 you are not answering based upon my advice and I would
4 recommend that stipulation at this time.

5 THE WITNESS: All right. Okay.

6 MR. WYNNE: And just for the record,
7 since it's my privacy right involved I'll assert my
8 right of privacy as well as to whether I'm a member of
9 Mr. Armstrong's church.

10 MR. MOXON: Q. Can people be members of
11 your church without knowing it? Do you understand my
12 question?

13 Can a person be a member of your church
14 without recognizing you are member?

15 MR. WYNNE: Objection. Calls for
16 speculation.

17 THE WITNESS: It's a situation which has
18 never arisen and I've never speculated about it. To
19 me, it would be silly to call someone a member without
20 their knowledge. Everyone that I consider a member
21 has stated their desire to be a member.

22 MR. MOXON: Q. How many members do you
23 have?

24 A. I'm not going to discuss that.

25 Q. You refuse to answer?

1 A. Right.

2 Q. When was your church founded?

3 A. 1986.

4 Q. Do you still consider Yanny to be a
5 member?

6 A. Yes.

7 Q. Does your church have any practices?

8 A. I'm not certain that they have ever been
9 discussed that way. It was generally discussed -- the
10 belief, the corollary, the obvious and sometimes
11 dogma.

12 Q. So you've never actually discussed
13 practices of the church; is that correct?

14 A. I have myself. I have, yes. I have
15 discussed the practices in the church.

16 Q. Does the church actually have practices?

17 A. Yes, it does.

18 Q. What are the practices?

19 A. I'm not going to discuss them.

20 Q. Is there a confidentiality practice?

21 A. I'm not going to discuss that.

22 Q. You refuse to answer?

23 A. Right.

24 Q. Is that a counseling practice?

25 A. I think that that is obvious. And I have

1 put that on the record at various times.

2 Q. The answer is yes?

3 A. Yes. We do not have confessions, rigid
4 and enforced confessions like your organization does,
5 but we do not preclude confessions. Perhaps that
6 answers your earlier question regarding confessions.

7 Q. You don't have confessions in your
8 church?

9 A. We don't have enforced confessions. We
10 do not disallow confessions.

11 Q. Do you have confessions? Have you ever
12 had a confession with Joe Yanny?

13 A. What I have done with Joe Yanny regarding
14 the church I consider privileged.

15 Q. When you were in the courthouse with Joe
16 Yanny in November 1989, is it your testimony you asked
17 Joe Yanny if he wanted to be a member of your church?
18 That's your best recollection when that occurred?

19 A. No, that's not correct. Around that
20 time. It could have been that period of time when I
21 was in Los Angeles. It may have been another period
22 of time. It may have been at the time of the Yanny
23 trial which was my recollection, perhaps March 1990
24 around that time.

25 Q. Tell me what you talked to Joe Yanny

1 about in November '89 when you met with him in the
2 courthouse.

3 A. He introduced himself. I had no idea who
4 he was. That was the extent of it.

5 He introduced himself. I don't know if
6 he knew who I was. But in any case, I recall us
7 shaking hands and shortly thereafter walked down to
8 the courthouse.

9 Q. Did you have any discussions with Joe
10 Yanny during that trip to Los Angeles when you
11 discussed whether or not you would testify at his
12 trial in the Yanny one case?

13 A. I think that -- I had been subpoenaed
14 some moments before.

15 MR. ELSTEAD: His question is whether you
16 had discussions with Joe Yanny.

17 MR. MOXON: Q. Did you have any
18 discussions with Joe Yanny during that trip to Los
19 Angeles in November '89 any time you were in Los
20 Angeles regarding testifying on behalf of Yanny in the
21 Yanny one trial?

22 A. I had been subpoenaed to testify.

23 MR. ELSTEAD: That's irrelevant. The
24 question is whether you had discussions with Joe
25 Yanny. Do you understand?

1 THE WITNESS: Okay. He's stating it in a
2 way which is not accurate. I want to be clear about
3 that. And I have no present recollection regarding my
4 testifying for him or in that matter at that time.

5 Q. Do you keep a journal, Mr. Armstrong, or
6 diary?

7 A. No.

8 Q. Do you keep something similar to a
9 journal or diary?

10 A. No.

11 Q. Do you have any writings of any kind
12 concerning any communication you've had with Joe
13 Yanny?

14 A. There may be some.

15 Q. Upon what subject are those writings that
16 may exist?

17 MR. ELSTEAD: If you know.

18 THE WITNESS: I'm not certain. Phone
19 notes perhaps. Just nothing comes to mind as a
20 subject.

21 MR. MOXON: Q. Did you ever write any
22 letters to Joe Yanny?

23 A. A couple.

24 Q. Did he ever write any letters to you?

25 A. I don't believe so.

1 Q. When did you write letters to Yanny?

2 Approximate dates, if you would, please.

3 A. One perhaps a year ago, maybe six months
4 ago. And a note recently.

5 Q. Did you keep copies of that letter and
6 the note?

7 A. I probably have a copy of the note at
8 least.

9 Q. Do you have a copy of the letter?

10 A. I'm not certain.

11 Q. Is it your normal practice to make copies
12 of letters?

13 A. Uh-huh.

14 Q. That's "yes"?

15 A. Right.

16 Q. Have you corresponded with any of Yanny's
17 attorneys regarding anything?

18 A. I have no present recollection of that,
19 although it may be when sending documents back and
20 forth one time or another I may have sent a cover
21 letter to Barry Van Sickle. But I have no
22 recollection of what I ever sent Mr. Van Sickle, if
23 anything. But it would be my normal practice when
24 sending legal documents around to put a cover letter
25 on it.

1 Q. You sent documents back and forth between
2 yourself and Mr. Van Sickle?

3 A. I say I have no present recollection of
4 it, but it very easily may have. I've been involved
5 intensively in this litigation since November '89.

6 Q. In the Yanny one case?

7 A. No, not in the Yanny case. In what I
8 consider my litigation.

9 Q. Has Mr. Van Sickle represented you in
10 that litigation?

11 A. No.

12 Q. Has Mr. Van Sickle represented you for
13 any purpose?

14 A. No.

15 Q. How about Mr. Wynne?

16 A. No.

17 Q. Do you recall any written communication
18 with Mr. Van Sickle?

19 A. No.

20 Q. Have you ever sent Mr. Van Sickle any
21 documents?

22 A. I very easily may have, but I have no
23 recollection of that.

24 Q. Have you ever sent Mr. Yanny any
25 documents?

1 A. Yes.

2 Q. Other than the letter and the note
3 previously testified about?

4 A. Yeah. And I can't tell you -- well, I
5 can tell you I sent him just -- I just received the
6 document from you guys and I sent that to Mr. Yanny.

7 Q. The subpoena?

8 A. No. Your motion to enforce the
9 settlement agreement.

10 Q. In what case?

11 A. Armstrong.

12 Q. Other than sending Yanny the motion to
13 enforce the settlement agreement, have you sent him
14 anything else?

15 A. Again, I may have. And what I would have
16 sent him would have been documents which related to
17 him and somehow I had acquired. I received a lot of
18 stuff. Sometimes you send me stuff. And I generally
19 try to keep all of those on whom I depend in my battle
20 against your organization, I try to keep them as
21 briefed as logical.

22 So if it refers to them or somehow fits
23 in I try to do that. I'm quite open about the fact
24 that I consider myself under attack from your
25 organization and I try to keep them briefed.

1 Q. Do you keep copies of cover letters of
2 any information you sent?

3 A. I probably do.

4 Q. Do you have a record of what you would
5 have sent to Mr. Yanny?

6 A. I may have.

7 Q. Do you have a log of information you send
8 out?

9 A. No.

10 Q. What administer system do you use to keep
11 a record of what you sent to people?

12 A. I really don't do it that way.

13 Q. How do you do it?

14 A. There is a repository of my writings and
15 they are not by -- they are not arranged by subject or
16 by person. That's it.

17 Q. They are just in a pile?

18 A. Pile, file cabinets.

19 Q. How many file cabinets of writings do you
20 have?

21 A. I'm not certain. Four or five.

22 Q. Four or five file cabinets?

23 A. Yes.

24 Q. Within this there may be correspondence
25 to Joe Yanny?

1 A. Again, a couple cover letters.

2 Q. Do you recall now there are a couple
3 cover letters to Joe Yanny?

4 A. If there is then there are a couple cover
5 letters.

6 Q. Did you ever have any discussions with
7 Yanny about the church's problems with the IRS?

8 A. Yes. I mean, it wasn't couched like
9 that. But I -- and I can't even tell you who I heard
10 this from first -- but the fact that he was served
11 with a subpoena by the IRS, I believe. And I may have
12 confirmed that with him.

13 My recollection is that someone else told
14 me about it and that then subsequently I confirmed
15 that fact with him. And that even may be the time we
16 communicated about scheduling this deposition.

17 Q. Do you know who it may have been who told
18 you about the subpoena from the IRS?

19 A. I'm just not -- no, I can't say.

20 Q. Have you had any communications with
21 anyone in the IRS concerning Mr. Yanny or concerning
22 the church?

23 MR. ELSTEAD: Concerning Mr. Yanny or the
24 church?

25 MR. MOXON: Yes.

1 MR. ELSTEAD: Objection. Compound.

2 THE WITNESS: I'll discuss it at this
3 time because we're talking about Yanny. Obviously
4 I've talked to the IRS. You know about communications
5 with the IRS regarding the organization, but that's
6 something different obviously from this lawsuit and
7 the purpose of this deposition.

8 MR. MOXON: Q. Who's the last person in
9 the IRS you've spoken to about the church, the last
10 time you had a communication with someone there with
11 the IRS?

12 A. I believe it was Al Lipkin.

13 Q. When was that?

14 A. Perhaps August.

15 Q. Of this year?

16 A. Uh-huh.

17 Q. Was that by phone or in person?

18 A. By phone.

19 Q. Did he call you or --

20 A. No, I called him.

21 Q. What was the nature of the conversation?

22 A. The organization filed -- I was called by
23 somebody and alerted to this fact. They filed a \$120
24 million dollar lawsuit against seventeen agents of the
25 IRS in the Federal District Court in Los Angeles. And

1 they named me within the body of the complaint and
2 used the so-called "Armstrong Operation," which was
3 the organization's illegal videotaping of me,
4 attempted entrapment and attempt to bring false
5 criminal charges against me in 1984. And they had
6 used their perverted version of that operation as a
7 basis for bringing the lawsuit against the IRS. When
8 I saw that, I was just freaking out.

9 So I wanted to find out whatever I could.
10 And also to let them know where I was for a number of
11 reasons. And so I really called him to let him know
12 my present phone number, my present address, if
13 anybody wants to talk to me I'm available.

14 I'm very freaked out about this matter.
15 And I consider that this organization is crazy and
16 there could be a hit going down.

17 So I wanted to let them know where I was.
18 I asked him -- whatever I asked him he would not
19 answer. He wouldn't give me any information. They
20 have always played it very close to the chest but here
21 was even tighter.

22 And I essentially let them know that I
23 would help because it's my intention to clear my name
24 and to clear up the record before something just
25 really ghastly happens.

1 Q. Mr. Lipkin you have had a good working
2 relationship in the past?

3 A. I don't think we have ever had a working
4 relationship. That's one of your allegations and it's
5 untrue.

6 Q. Did Mr. Lipkin ever ask you to provide --
7 to go into the church and get information?

8 A. No.

9 Q. You are not an informant for the IRS, are
10 you?

11 A. No.

12 Q. You don't have any problem with us
13 knowing about all of your communications to the IRS,
14 do you, letting the church know that?

15 A. No.

16 Q. What was the next part of the
17 conversation you had with Al Lipkin prior to August of
18 this year?

19 A. I don't mind going into those, but those
20 are not the subject of this deposition. And it
21 becomes a very big waste of time. So I insist because
22 my time is valuable that you stick to what this
23 deposition is about.

24 At another time if you want to go into my
25 communications with the IRS I'm happy to provide them,

1 but I cannot go into my life at this time and I cannot
2 go into my relationship with everyone in the world
3 regarding your organization. So I must insist that
4 you stick to Yanny.

5 Q. You talked to Mr. Yanny about the
6 church's problems with the IRS. That's how we started
7 on that; is that correct?

8 A. Again, I've told you I do not recall the
9 words "the organization's problems with the IRS," but
10 I confirmed that he had received a -- my recollection
11 is a deposition subpoena from the IRS. And that it
12 was recent and that there was perhaps some kind of
13 conflict regarding scheduling around it.

14 Q. Did Mr. Yanny tell you from whom he
15 received that subpoena?

16 A. I don't recall if he did.

17 Q. Did you talk to him about the scope of
18 the subpoena? Actually, a summons I believe. We'll
19 call it a subpoena, if you wish.

20 A. He may have mentioned something, but I
21 have no present recollection of what exactly it was.

22 Q. Did Mr. Yanny tell you that he was
23 providing information to the IRS regarding the church?

24 A. I have no recollection of him saying
25 anything like that. In fact, my recollection is that

1 that perhaps that deposition, or whatever it was, was
2 not going ahead at that time. And I don't -- so I
3 have no data about anything he intended to provide or
4 did provide.

5 Q. Did Mr. Yanny indicate to you that he had
6 already been in communication with the IRS regarding
7 the church?

8 A. No recollection.

9 Q. During any of your conversations with
10 Mr. Yanny, did you ever talk to him about the church's
11 perceived problems with the IRS?

12 A. I may have.

13 Q. Did Mr. Yanny indicate to you that he was
14 providing information to the IRS?

15 A. I don't believe he ever stated that.

16 Q. Did Mr. Yanny ever tell you anyone or
17 ever identify any IRS employee with whom he was
18 dealing regarding church matters?

19 A. If he did I have no recollection.

20 Q. You would have no recollection of the
21 identity of the person or no recollection of him
22 talking to you about IRS employees?

23 A. It's probably both.

24 Q. Do you remember Mr. Yanny informing you
25 that IRS employees had come to his home and talked to

1 him?

2 A. He may have said that. I mean, to me
3 it's like "big deal." I don't know. Go ahead.

4 Q. Why is it not a big deal?

5 A. It's just not. Just think for a second.
6 Go ahead.

7 MR. ELSTEAD: Mr. Armstrong.

8 MR. MOXON: Q. Have you been dealing a
9 lot with IRS employees?

10 A. No. I've dealt with your organization.
11 Go ahead.

12 Q. Other than Mr. Lipkin in the past two
13 years, have you communicated with any IRS employees
14 regarding the church?

15 A. Again, rather than get into that because
16 the IRS is just simply not a party in this action,
17 let's stick to Yanny.

18 Q. Well, it actually is in a sense involved
19 here. And it's very directly involved because of the
20 Amended Cross-Complaint from Mr. Yanny where he brings
21 up a lot of these issues. It just was filed a couple
22 days ago apparently.

23 MR. ELSTEAD: Do you want to make a copy
24 of that and take a look?

25 MR. MOXON: I only have one copy. I'm

1 sure Mr. Wynne who signed it will provide you with a
2 copy.

3 MR. ELSTEAD: Are you aware of it?

4 MR. WYNNE: Yes.

5 MR. ELSTEAD: Let's take a short break
6 and explain it to the witness.

7 (Recess.)

8 MR. ELSTEAD: Thank you.

9 MR. MOXON: Q. What IRS employees in the
10 past two years have you communicated with concerning
11 the church other than your one communication with
12 Mr. Lipkin that you told me about?

13 A. My other communications with them, if
14 there have been any, are not relevant to this matter
15 and I would insist that you stick to the Yanny
16 complaint.

17 Q. Could I have an answer, please?

18 A. That's my answer.

19 Q. Your counsel can tell you that the
20 relevance objection is not a valid objection for a
21 deposition.

22 A. That's fair enough.

23 MR. ELSTEAD: Hoe --

24 MR. MOXON: For refusing to answer.

25 MR. ELSTEAD: Do not respond to any

1 question or statement he makes that in any way
2 mentions or eludes to communications between you and
3 I, and I instruct him not to answer. Do you want to
4 rephrase that question?

5 MR. MOXON: Q. Okay. The question is,
6 what communications have you had with the IRS over the
7 past two years regarding the church other than the one
8 call you had with Mr. Lipkin?

9 A. And my answer to that is that I insist
10 that you stick to the matter of Yanny because
11 otherwise we could be here for days. And not days
12 because I have communications with the IRS but days
13 because you will continue to go into my life and
14 communications with the rest of the world and not get
15 into Yanny at all. That's my answer.

16 MR. WYNNE: I would add to that for
17 purposes of my client that I don't believe this line
18 of questioning is reasonably calculated to lead to the
19 discovery of admissible evidence. If you insist on
20 going forward with it, if Mr. Armstrong allows it, I
21 will cease this proceeding and go in for protective
22 order.

23 MR. MOXON: And, Mr. Wynne, for the
24 record then, is it your representation that matters
25 that you've set forth in paragraph 31 of your Amended

1 Cross-Complaint have nothing to do with the almost
2 identical subject matters set forth in the summons
3 received by Mr. Yanny?

4 MR. WYNNE: The summons received by
5 Mr. Yanny has nothing to do with Mr. Armstrong that
6 I'm aware of.

7 MR. MOXON: You agree they are almost
8 identical to the matters set forth in the summons that
9 Mr. Armstrong talked to Mr. Yanny about?

10 MR. WYNNE: I'm not being deposed today.
11 The documents speaks for themselves.

12 MR. MOXON: Q. That's why I'm trying to
13 explain it to you, Mr. Armstrong.

14 The matters that are set forth in the
15 complaint were identical to the summons you talked to
16 Mr. Yanny about. I don't have many questions about
17 it, but I need to finish off this area and we'll get
18 on to something else. I don't intend to ask you other
19 areas, but this specific area --

20 MR. WYNNE: If you want to ask
21 Mr. Armstrong what he knows about the summons that was
22 served on Mr. Yanny which he testified about, that's
23 fine.

24 MR. MOXON: That's relevant.

25 MR. WYNNE: But as to his communication

1 that has nothing to do with Mr. Yanny or with this
2 lawsuit. I object.

3 MR. MOXON: You've made them relevant,
4 Mr. Wynne. You put them in a complaint.

5 Q. Mr. Armstrong, can you tell me what
6 communications you've had with the IRS concerning the
7 church in the past two years?

8 A. I'm going to stick to my guns and not
9 answer that.

10 Q. Can you tell me if you've had any
11 communications with anyone in the IRS in the past two
12 years other than Mr. Lipkin?

13 A. Same thing.

14 Q. That could be resolved very easily there
15 because if not we'll go on.

16 A. That doesn't resolve it at all.

17 Q. On what basis?

18 A. On the basis it has no connection
19 whatsoever to the Yanny matter, to the Yanny lawsuit
20 or the cross-complaint.

21 MR. ELSTEAD: Mr. Armstrong also has
22 certain rights of privacy that you are intruding on.
23 Add that as a basis for which he refuses to answer.

24 MR. MOXON: Q. Have you had any
25 communications with Steven Walsh in the past -- well,

1 ever. Do you know who Steven Walsh is?

2 A. No.

3 Q. Have you met an IRS employee named Steve,
4 who was representing himself as Steve for Steven
5 Walsh?

6 MR. WYNNE: Objection.

7 MR. MOXON: Q. Who Mr. Yanny has
8 indicated is a close person friend of his.

9 MR. WYNNE: Mr. Moxon, if you are going
10 to ask him questions about IRS agents we can adjourn
11 right now unless you want to make a phone call and get
12 a representative of the Internal Revenue Service here
13 since they are not a party to this proceeding. I
14 believe you may be asking questions that impact a
15 federal investigation. You may be interfering with a
16 federal investigation. I don't know.

17 MR. MOXON: That's right. You don't
18 know.

19 MR. WYNNE: And we will adjourn.

20 MR. MOXON: Mr. Yanny testified Steven
21 Walsh is a close personal friend of his and has been
22 to his house many, many times, drinking together,
23 discuss Scientology together. Absolutely concerns
24 potential breach in this case and you know that they
25 are quite relevant.

1 MR. ELSTEAD: Mr. Armstrong testified he
2 doesn't know Steve Walsh. I'm not quite sure what the
3 point of the question is that you described between
4 Walsh and Yanny.

5 MR. MOXON: Q. That's your testimony,
6 Mr. Armstrong, you don't know who Steven Walsh is?

7 A. Right.

8 Q. Did you ever have any communications with
9 Yanny or Steve or Steven Walsh?

10 A. No recollection.

11 Q. Did you have any communications with
12 Yanny about his dealings with IRS agents concerning
13 the church?

14 A. Again, I know that he was served with the
15 summons, as you said. And beyond that, he may have
16 mentioned that he had communicated with them. Nothing
17 registers. There's nothing significant in the
18 communications -- that he is in communication with the
19 IRS or that he isn't. I have no idea.

20 Q. We're not talking just about your last
21 phone call with Yanny about the summons. I'm talking
22 about any communications you've ever had with Yanny.

23 A. Right. During which he very easily may
24 have said something. I have no recollection of it and
25 it's not significant even if he did say something.

1 Q. If I gave you a list of names of IRS
2 agents Yanny may have communicated with, would that
3 possibly jog your recollection as to who he may have
4 spoken about?

5 A. I would enjoy receiving the list of names
6 and I can't tell you in advance of receipt of the list
7 of names whether or not it would jog my memory.

8 Q. Let me go down a list of a few and see if
9 maybe this helps.

10 A. Fine.

11 Q. John Rabatin. Have you ever heard that
12 name?

13 A. No.

14 Q. Have you ever heard of Carl Corsi?

15 A. I've seen the name on the cover sheet of
16 the complaint, the one in which I'm named.

17 Q. Is that the only place you've heard that
18 name?

19 A. I may have seen it elsewhere, but that's
20 the only place that comes to mind.

21 Q. Have you ever heard of Philip Xanthos?

22 A. Yes.

23 Q. Other than on the complaint?

24 A. Well, yeah.

25 MR. ELSTEAD: Excuse me. I thought the

1 question is -- you were going to read him a list of
2 names. The question was with respect to that list of
3 names and does that refresh his recollection at all.

4 THE WITNESS: For Yanny. I'll see if
5 there's any relation to Yanny rather than just my
6 knowledge, outside knowledge of those people.

7 MR. MOXON: Q. So Phillip Xanthos you've
8 heard of at any rate?

9 A. Right.

10 Q. Have you had any communications with
11 Xanthos with respect to Joe Yanny?

12 MR. ELSTEAD: I gather you have withdrawn
13 the prior question then?

14 THE WITNESS: Go down the list of names.

15 MR. ELSTEAD: Have you withdrawn the
16 question that started all of this?

17 MR. MOXON: I haven't withdrawn anything.

18 Q. Have you had any communications with
19 Mr. Xanthos regarding Joe Yanny?

20 A. No.

21 Q. Have you ever had any communications with
22 Joe Yanny where Mr. Xanthos' name was mentioned?

23 A. No recollection.

24 Q. Have your communications with
25 Mr. Xanthos specifically excluded Mr. Yanny?

1 A. You jumped there.

2 Q. Are you certain that you've never had any
3 communications with Xanthos about Yanny?

4 A. I'm certain I've never had any
5 communications with Xanthos about Yanny. I'm not
6 certain that I've not had any communications with
7 Mr. Xanthos. I may have.

8 Our paths may have crossed and he may
9 have said, "Hi," and I may have said, "Hi," or I may
10 have been introduced to him.

11 Q. You have no recollection of speaking to
12 Mr. Xanthos; is that right?

13 A. Beyond that I don't even recall his face
14 at the moment. And I don't even know that he was --
15 you know, I'm not certain. Anyway, go ahead. Next
16 name.

17 Q. Do you know if you had any communication
18 with Mr. Xanthos about the Yanny trial or about the
19 issues in the Yanny trial?

20 A. I know for certain that I had no
21 communication with Mr. Xanthos about the Yanny trial.

22 Q. How about concerning any of the issues in
23 the Yanny trial?

24 A. Or issues.

25 Q. Vickie Aznaran?

1 A. Or Vickie Aznaran.

2 Q. Have you had communication about Bent
3 Corydon or Vickie Aznaran?

4 A. Let me just be very clear. I don't
5 recall any conversations with Mr. Xanthos so that you
6 can eliminate all of them.

7 Again, just because he may have kept
8 records of a meeting in which he was one of the people
9 present in which I have no recollection, or if we
10 exchanged greetings and that's the only thing he knows
11 about me. It may have happened that I met him because
12 I know the name from I believe back in 1984. I
13 recognize the name, but that's it.

14 MR. ELSTEAD: You are not required to
15 explain your answer, Mr. Armstrong.

16 THE WITNESS: Okay.

17 MR. MOXON: Q. Just one thing you said
18 confused me a little. You had meetings with IRS
19 agents in which Mr. Xanthos may have been present?

20 A. Well, I had meetings with IRS agents.
21 Whether or not he passed through there I'm not
22 certain.

23 Q. Lipkin and his associates?

24 A. Right.

25 Q. Were they all back in '84 or are these

1 closer to the present?

2 A. '84.

3 Q. Nothing since '84?

4 A. As far as I know. There was one in '85.
5 That was just to obtain my -- to write a declaration
6 for them concerning the Armstrong operation.

7 MR. ELSTEAD: You are not required to
8 explain your answers. I advise you not to.

9 THE WITNESS: Okay.

10 MR. MOXON: Q. Next name is Mel Young?

11 A. No data.

12 Q. Melvin Young?

13 A. No data.

14 Q. Al Ristuccia?

15 A. Yes.

16 Q. You recognize that name?

17 A. Right.

18 Q. Did you have any communication with
19 Mr. Ristuccia with respect to any of the issues in the
20 Yanny case including the allegations regarding Vickie
21 Aznaran or Bent Corydon?

22 A. No.

23 Q. Have you had any communication with
24 Mr. Ristuccia at all?

25 A. Yes.

1 Q. What's the most recent?

2 A. 1984. There may be '85, but in the '84
3 period.

4 Q. Next name is Greg Roth?

5 A. No data.

6 Q. Terry Hallihan?

7 A. No data.

8 Q. When you say "no data," that means you
9 don't know who these people are, right?

10 A. Right.

11 Q. Steven Petersell?

12 A. I may have met him. I know the name from
13 '84. That's all I can tell you.

14 Q. Mel Blough?

15 A. No data.

16 Q. You haven't spoken to Mr. Blough?

17 A. No.

18 Q. Gordon Gidlund?

19 A. No data.

20 Q. Charles Jeglikowski?

21 A. No data.

22 Q. Sandra Baker?

23 A. What's the name.

24 Q. Sandra Baker? She's an agent in Los
25 Angeles.

1 A. Collections division?

2 Q. That's right.

3 A. I've never met her.

4 Q. You've spoken to her?

5 A. Yes.

6 Q. When was that?

7 A. Sometime perhaps two months ago.

8 Q. Did you speak to her by phone?

9 A. Yes.

10 Q. Did she call you or --

11 A. Yes.

12 Q. Just one phone call?

13 A. Yes.

14 Q. Could you tell me the nature of your
15 communication with her?

16 MR. WYNNE: You want to try to tie this
17 in to the issues raised in this lawsuit?

18 THE WITNESS: She wanted to meet with me.

19 MR. MOXON: Q. Did you meet with her?

20 A. No.

21 Q. Did you refuse to meet with her?

22 A. No.

23 Q. Was anyone else on the phone?

24 A. No.

25 Q. Did she tell you what she wanted to meet

1 with you about?

2 A. Not specifically.

3 Q. Did you agree to meet with her?

4 A. Yes.

5 Q. Do you have a meeting scheduled?

6 A. No.

7 Q. Did you speak to Joe Yanny about that
8 phone call?

9 A. No recollection.

10 Q. May have?

11 A. May have, but I never considered it
12 important.

13 Q. Was that call with Baker before or after
14 July 15?

15 A. I believe after. I believe after.
16 Perhaps August, after August.

17 Q. Did she call you at home or did she call
18 you when you were in Los Angeles?

19 A. I haven't been in Los Angeles.

20 Q. Did she call you at home?

21 A. Right.

22 Q. Did Baker ask you if you had legal
23 counsel?

24 A. I have no recollection if she did.

25 Q. Did you speak to any of Yanny's attorneys

1 about your telephone call with Miss Baker?

2 A. No.

3 Q. Is there a meeting set up now? Did I ask
4 you?

5 A. You did ask me.

6 Q. You said no, there's no meeting set up?

7 A. Right.

8 Q. Did Mr. Miss Baker state anything to you
9 to the effect that any meeting you had would be
10 confidential?

11 A. I have no recollection.

12 Q. Was the only time you spoke to her just
13 the one time?

14 A. Right.

15 Q. The next name is Cherryl Fields?

16 A. No data.

17 Q. Next name is Gary Ernst, E-r-n-s-t?

18 A. No data.

19 Q. Marcus Owens?

20 A. Don't know the name.

21 Q. Marvin Friedlander?

22 A. No data.

23 Q. Rick or Richard Darling?

24 A. No data.

25 Q. Mel Joseph?

1 A. No data.

2 Q. Clinton Mars, M-a-r-s?

3 A. No data.

4 Q. Ray Jucksch, J-u-c-k-s-c-h, Raymond?

5 A. No data.

6 Q. Stewart Gibson?

7 A. No data.

8 Q. Mike Salem?

9 A. No data.

10 Q. Mike Martineau?

11 A. No data.

12 Q. Terry Shapiro?

13 A. No data.

14 Q. Greg Pruitt?

15 A. Pruitt?

16 Q. Actually works for the FBI.

17 A. Unless I met him years ago. I met with
18 some FBI guys. I have no recollection of the names,
19 so other than that.

20 Q. How many years ago?

21 A. Seven.

22 Q. This is back in '84, '85?

23 A. Something like that.

24 Q. You haven't spoken to anyone since then
25 regarding the church?

1 A. Not that I recall.

2 Q. Do you recall any of these names coming
3 up in any of the conversations you had with Joe Yanny?

4 A. No.

5 Q. Do you know if Yanny mentioned, now that
6 you reviewed these names, is your recollection
7 refreshed at all as to who Mr. Yanny talked to you
8 about, any other IRS employees?

9 A. No.

10 Q. On July 15 of this year do you recall
11 meeting me in the Federal Courthouse in Los Angeles?

12 A. Right.

13 Q. Do you recall I asked you if Mr. Yanny
14 was representing you?

15 A. Yeah, I remember there was some
16 communication around that subject.

17 Q. You nodded your head "yes," do you
18 remember that?

19 A. I don't know. I could have, but --

20 Q. Do you recall that you were reviewing a
21 file, a court file at that time?

22 A. Right.

23 Q. And do you remember the case that you
24 were reviewing?

25 A. Not the number. I think it had to do

1 with one of your PI's being under investigation for
2 dirty ops. Something like that.

3 Q. John Gaw ring a bell, G-a-w.

4 A. Okay. Yeah.

5 Q. Were you assisting Mr. Yanny to review
6 that file?

7 A. No. An anecdotal interest.

8 Q. Did Mr. Yanny bring you to the
9 courthouse?

10 A. I'm not certain. I may have brought him.

11 Q. Were you working with Mr. Yanny to review
12 that file?

13 A. No, that wasn't work.

14 Q. What was it?

15 A. Anecdotal interest.

16 Q. What do you mean anecdotal interest?

17 A. I've been involved with your organization
18 for a long time. So it has that kind of interest to
19 me.

20 Q. Did Mr. Yanny tell you about the
21 existence of that file?

22 A. Yes.

23 Q. Did he suggest to you that you go down to
24 the courthouse and look at that file?

25 A. We were at the courthouse.

1 Q. Did he suggest to you you look at that
2 file?

3 A. I don't know how it happened. I think we
4 were both there together looking at it.

5 Q. Did Mr. Yanny call the file from the file
6 clerk?

7 A. I believe so.

8 Q. Did he suggest to you that you read the
9 file?

10 A. I read the file.

11 Q. Did he tell you?

12 A. I glanced at it.

13 Q. Did he tell you you should look at the
14 file?

15 A. I don't know.

16 Q. How did you come to have the file in your
17 hand?

18 A. I think he pulled it and I knew of its
19 existence and it was just --

20 Q. You knew of its existence because he told
21 you about it?

22 A. I believe he did.

23 Q. He pulled the file and gave it to you?

24 A. May have.

25 MR. ELSTEAD: Just answer his questions.

1 You do not have to explain your answers nor do you
2 have to try to explain Mr. Yanny's motivation, which
3 would be confidential to explain anyway.

4 THE WITNESS: Yeah.

5 MR. MOXON: Q. So he pulled the file,
6 got it from the clerk and he gave it to you; is that
7 right?

8 A. Right.

9 Q. Did he point out any place in the file
10 that you should look at?

11 A. I don't recall.

12 Q. Did you go over any point in the file
13 with Mr. Yanny, the Gaw file?

14 A. I may have, but I have no recollection.

15 Q. Did you talk to Mr. Yanny at all while
16 you were reviewing the file?

17 A. I may have.

18 Q. You don't remember whether you spoke to
19 Mr. Yanny at all while you were reviewing the file?

20 A. I don't recall one word that we said or
21 anything that we talked about, but we may have talked
22 about something.

23 MR. ELSTEAD: You either remember or
24 don't. Don't speculate as to whether you may have.
25 If you don't recall tell him you don't remember. If

1 you do recall, tell him you recall.

2 THE WITNESS: I recall nothing.

3 MR. MOXON: Q. How long were you and
4 Mr. Yanny reviewing that file?

5 A. A few minutes.

6 Q. Did you review any other files?

7 A. No.

8 Q. That was the only file that was pulled
9 from the file clerk, just the Gaw case?

10 A. Right.

11 Q. What else were you doing at the
12 courthouse with Mr. Yanny?

13 A. He was there for some reason, and I'm not
14 certain what the reason was at this time. Some reason
15 to do perhaps with the Aznaran case, perhaps with
16 another case. And I just do not recall at this time
17 why he was there.

18 Q. As I understand your prior testimony, you
19 indicated that you came to the courthouse for some
20 other purpose, you and Mr. Yanny.

21 A. I believe that he had some other reason.
22 We didn't go down there to look at this file. It was
23 just, "We're here, look at the file."

24 Q. Why did you go to the courthouse with
25 Mr. Yanny?

1 A. He had an appointment there and I was
2 with him at the time, so he was keeping his
3 appointment.

4 Q. Who was his appointment with?

5 A. I'm not certain what exactly we were
6 there for, but we were not there for the purpose of
7 the file. The file was incidental.

8 Q. Did Mr. Yanny go off and talk to someone
9 else while he was at the courthouse?

10 A. I believe so. I believe he did something
11 with the clerk.

12 Q. He didn't tell you what it was?

13 A. Not sure.

14 Q. How long were you at the courthouse?

15 A. Not certain. Half hour, maybe.

16 Q. Did you leave immediately after you and
17 Mr. Yanny saw me?

18 A. Somewhere shortly thereafter. I'm not
19 certain if he did whatever he intended to do before
20 that or after that or --

21 Q. Did Mr. Yanny suggest since you saw me in
22 the courthouse you should leave immediately?

23 A. No.

24 Q. Did you have any conversation with
25 Mr. Yanny about the significance of being seen with

1 him at the courthouse?

2 A. No.

3 Q. Did Mr. Yanny make any comment to you
4 about the fact of being seen in the courthouse by me?

5 A. I think that there was some humor
6 attached to it. That it was sort of a humorous chance
7 running into you. And that was the significance at
8 the time.

9 Q. What was the humor?

10 A. The humor?

11 Q. What was funny about it?

12 A. I guess the timing. I'm not certain that
13 I had met you of before that time. I may have, but
14 obviously you have a reputation. And I even may have
15 mentioned it at the time. Remember the phony
16 handwriting exemplars you got in some trouble with
17 back in a criminal case? And that's my memory of you
18 from Scientology.

19 Q. Did you talk to Mr. Yanny about that?

20 A. No. I said it in front of him. That was
21 the image that came to mind, "The handwriting exemplar
22 guy." And I said it to you. And there's just humor
23 in God's sense of timing in him putting you in the
24 courthouse that instant at that time. It was a
25 humorous incident.

1 MR. ELSTEAD: Are you trying to suggest
2 that it seemed too good to be true?

3 THE WITNESS: Of course I subsequently
4 have seen the material that has been used regarding
5 that incident. And, of course, the organization's
6 representations of what went down is different from
7 what really happened.

8 MR. MOXON: Q. What do you think
9 happened?

10 A. You guys saw it as some kind of big
11 conspiracy.

12 Q. Notwithstanding any conclusions that
13 might be drawn from that meeting in the courthouse,
14 did you see my declaration that was filed?

15 A. No, I saw the hearing transcript.

16 Q. The hearing transcript?

17 A. Right.

18 Q. Before Judge Cardenas?

19 A. Right.

20 Q. Where did you see that?

21 A. I don't know. It's famous. It's been
22 attached to dozens of pleadings.

23 Q. I'll show you a copy of the declaration
24 that was filed in the Yanny two case, which is dated
25 July 18, 1991, signed by Kendrick Moxon.

1 MR. WYNNE: Join.

2 THE WITNESS: Okay.

3 MR. MOXON: Q. Could I have an answer,
4 please?

5 A. Regarding what?

6 Q. Is there anything about paragraph five
7 which is not accurate?

8 MR. ELSTEAD: Same objection.

9 MR. WYNNE: Join.

10 THE WITNESS: I think the sequence is
11 reversed. I think that I knew who you were before
12 there was the discussion of literary matters. That's
13 my recollection of it, so that maybe we went through
14 introduction and then there was the matter of asking
15 Yanny.

16 Q. Are the statements that are made in
17 paragraph five accurate notwithstanding the sequence?

18 MR. ELSTEAD: Same objection.

19 MR. WYNNE: I'll add to that misstates
20 his testimony. He told you about two things that are
21 inaccurate about paragraph five, including the
22 discussion about writing exemplars that is omitted.

23 MR. MOXON: Let's take the first sentence
24 of paragraph five which appears at line 25 of the
25 first page of the declaration Exhibit 1.

1 A. Okay.

2 MR. ELSTEAD: Is there a question?

3 MR. MOXON: Q. Is the first sentence
4 accurate?

5 MR. ELSTEAD: Objection. Vague and
6 ambiguous. Calls for speculation.

7 MR. MOXON: Q. Let's go up a few
8 sentences into paragraph four to start this. All
9 right?

10 A. Okay.

11 Q. Starting at line 19, sentence starts at
12 line 19 which states, "A few minutes later, I saw
13 Yanny and Armstrong standing together in a corridor of
14 the clerk's office, between the area of the filing
15 windows and the files storage space."

16 MR. ELSTEAD: Your question.

17 MR. MOXON: Q. Is that accurate
18 according to your recollection of the meetings?

19 MR. ELSTEAD: Objection. Vague and
20 ambiguous. Calls for speculation. How can you ask
21 him to give answers as to whether what you say you saw
22 is accurate?

23 MR. WYNNE: I'll join in that. Calls for
24 speculation. Objection.

25 MR. MOXON: Q. Answer, please.

1 A. I can't tell you. Define these spaces.
2 I don't know what the spaces are in the Federal Court.

3 Q. You recall first seeing --

4 A. I recall our meeting. And I recall the
5 handwriting exemplar statement. And I recall the
6 incident being rather humorous. And I think that it
7 was taken like that and obviously you have taken it
8 and tried to make something incredibly serious of
9 that.

10 So the tenure of what went on is very
11 different from the way you represent it here. There
12 was a humorous incident. You apparently are very
13 serious about trying to ring something out of it. And
14 it was not something very serious going on.

15 Q. Okay. I first you saw you and Mr. Yanny
16 in a corridor; is that correct?

17 MR. ELSTEAD: Objection. Vague and
18 ambiguous. Calls for speculation.

19 THE WITNESS: I can't remember where you
20 saw me. You said before that you had seen me four or
21 five times over the past few years.

22 MR. MOXON: Q. Did you see me with
23 Mr. Yanny in a corridor in a clerk's office?

24 A. Correct. I'll accept your term
25 "corridor." It was in the Federal U.S. District

1 Court.

2 Q. Did I say to you, "Does Yanny represent
3 you, too," or words to that effect?

4 MR. ELSTEAD: Is there a question? Hold
5 on just a minute. What's the question?

6 MR. MOXON: Q. Did I say to you, quote,
7 "Does Yanny represent you too," end of quote, or words
8 to that effect?

9 A. Something. You can see by even your
10 wording of it here that what you were talking about
11 was extremely confusing. Because "representing, too"
12 suddenly brings to mind, "What does he mean, too,"
13 like who else was standing there? I wasn't surrounded
14 by other lawyers and I didn't have any other lawyers.

15 And, you know, I was not then represented
16 by anyone in the Scientology litigation. So the whole
17 thing was kind of a -- you guys have used the term
18 "Keystone Kops," but it was you who were creating a
19 "Keystone Kops" scenario thereby what you were up to
20 was -- it was unfathomable and, of course, you were
21 after something that you could put in a declaration.

22 But my being there was completely
23 innocent and our meeting with you was completely
24 innocent. If you want to ask about Mr. Yanny's
25 representation of me --

1 Q. I just asked you a question. If you
2 answer it we'll get through this quickly.

3 Did you at that point nod your head yes?

4 A. I may have. I have no recollection.

5 MR. ELSTEAD: Then just say you don't
6 know. You either recall doing something or you don't
7 recall doing it.

8 THE WITNESS: Okay.

9 MR. MOXON: Q. What's your answer?

10 A. I don't recall.

11 Q. Do you recall Yanny saying no?

12 A. I don't even recall that.

13 Q. Do you recall me saying to you, "You say
14 yes and Yanny says no"?

15 A. I don't recall those words.

16 Q. Something to that effect?

17 A. What I do recall is the subsequent part
18 where --

19 Q. Just answer that question. Do you recall
20 me saying to you something to the effect of, "You say
21 yes and Yanny says no"?

22 A. No.

23 Q. Do you remember Yanny saying, "I
24 represent him on literary matters"?

25 A. I remember the subject of literary

1 matters coming up.

2 Q. But you don't remember any prior
3 discussion about representation, just all of a sudden
4 Yanny said "I represent him on literary matters"?

5 A. I don't recall that. I remember the
6 words. I recall whatever happened it led into "I
7 represent him on literary matters."

8 Q. Does that refresh your recollection that
9 we were talking about whether or not Yanny represented
10 you?

11 A. I recall the conversation.

12 Q. What do you recall the conversation about
13 the representation of you by Yanny?

14 A. I recall it being something of a humorous
15 thing.

16 Q. What do you recall about what was said,
17 Mr. Armstrong, about Yanny's representation of you?

18 A. I just told you.

19 Q. Notwithstanding the tone of the
20 conversation, what you believe to be the tone.

21 A. Well, what the tone was --

22 MR. ELSTEAD: I think he's asking you if
23 you recall the words that were spoken without regard
24 to the tones of the words or how various persons there
25 might have interpreted the words.

1 THE WITNESS: Right. So I remember
2 something like this statement "literary matters," and
3 then that was -- and then we moved on our way.

4 MR. MOXON: Q. Yanny pulled you away at
5 that point by the arm; is that correct?

6 A. I don't know if he pulled me by the arms
7 or "Come on, let's get out of here."

8 In any case, it was a short conversation
9 and that was it.

10 Q. So as far as what is in the sentence I
11 just read you, from paragraph four and five, you don't
12 have any recollection of any of that being inaccurate?

13 MR. ELSTEAD: Vague and ambiguous. Calls
14 for speculation.

15 MR. MOXON: Q. The sentence I just read
16 to you which starts at line 19 -- starting actually at
17 line 20, standing in the clerk's office, I make the
18 comment to you, "Does Yanny represent you?" You nod
19 your head in assent. Yanny said "No." I say to you
20 "You say yes and Yanny says no." And Yanny said he
21 represents you on literary matters.

22 You don't know any part of that which is
23 inaccurate, do you?

24 MR. ELSTEAD: Vague and ambiguous.

25 MR. WYNNE: Misstates his testimony. He

1 told you at least two times that's inaccurate,
2 including the comment about the writing exemplar which
3 has been omitted.

4 MR. MOXON: Q. Could I have an answer?

5 A. I'm not sure what your question is.

6 MR. MOXON: Q. The question is, starting
7 at line 20 with what I stated in the declaration, "I
8 saw Yanny and Armstrong standing together," and
9 continuing through line 27 in Exhibit 1 where, "Yanny
10 says I represent him only on literary matters," is
11 there any part of those sentences you believe are
12 inaccurate?

13 MR. ELSTEAD: Again, objection. Vague
14 and ambiguous. Calls for speculation.

15 MR. WYNNE: Same objection. Misstates
16 his testimony.

17 THE WITNESS: Only what I've said before.

18 MR. MOXON: Q. Could I have a "yes" or
19 "no"?

20 MR. ELSTEAD: You may answer that
21 question the way you want, Mr. Armstrong. You are not
22 required to couch it in terms of the way he wants it.

23 THE WITNESS: Right.

24 MR. MOXON: You can answer the question.

25 MR. ELSTEAD: You've answered the

1 question.

2 THE WITNESS: I really have answered the
3 question. I've gone into in it enough detail.

4 MR. MOXON: Q. You refuse to answer?

5 A. I'm not refusing to answer. I believe I
6 have answered.

7 MR. WYNNE: For the record, Mr. Moxon, if
8 the witness has refused to answer "yes" or "no" to a
9 question he can't answer "yes" or "no" to, do you have
10 a problem with that?

11 MR. MOXON: Yes.

12 MR. WYNNE: You do have a problem?

13 MR. MOXON: Yes.

14 Q. Is there anything that's indicated in
15 lines 20 through 27 of Exhibit 1 which you believe did
16 not happen?

17 MR. ELSTEAD: Mr. Armstrong, I made an
18 objection. Vague and ambiguous. Calls for
19 speculation. I think you are badgering the witness
20 and I advise you not to answer the question any
21 further.

22 MR. WYNNE: Mischaracterizes his
23 testimony during the last 20 minutes.

24 THE WITNESS: Yes. That I nodded my head
25 in assent, yeah.

1 MR. ELSTEAD: Let's take a short break.

2 MR. MOXON: Q. That you did not shake
3 your head?

4 A. If I nodded my head it was not in assent
5 to the question that you had in your mind. I was not
6 assenting to your -- if you were asking me this
7 question, "Does Yanny represent you in Scientology
8 matters," I was not nodding my head in assent.

9 Q. You are just nodding your head?

10 A. If I nodded my head, and I have no
11 recollection of nodding my head, it was not in assent
12 to your question.

13 Q. What was it in assent to?

14 MR. ELSTEAD: Stop. Break.

15 MR. MOXON: Hold on.

16 MR. ELSTEAD: We'll be back.

17 MR. MOXON: Can I have an answer to the
18 question before you go out and coach him?

19 MR. ELSTEAD: No. .

20 (Recess.)

21 MR. MOXON: Q. Is your testimony that
22 you don't remember whether you nodded your head or
23 not?

24 A. Right. I have no recollection of nodding
25 my head.

1 Q. Do you have any recollection of me saying
2 to Yanny, "You say yes and Yanny says no"?

3 A. Something like that.

4 Q. And then Yanny saying something to the
5 effect, "I represent him on literary matters"?

6 A. Literary matters, right.

7 Q. Does Yanny represent you on literary
8 matters?

9 A. Right.

10 Q. What literary matters?

11 MR. WYNNE: Objection. Attorney/client
12 privilege. You can ask him if it has anything to do
13 with Scientology, but you cannot inquire about the
14 nature of the matters. And I will instruct him not to
15 answer right now.

16 MR. MOXON: Does he represent you?

17 MR. WYNNE: I represent Mr. Yanny.

18 MR. MOXON: Does Mr. Wynne represent you?

19 MR. WYNNE: Mr. Moxon, I represent
20 Mr. Yanny. I represent him and as to matters in that
21 representation. If you want to ask him does it have
22 has something to do with the Scientology litigation
23 you can, but as to what those matters are you can't.

24 MR. MOXON: Q. Are you following his
25 advice?

1 A. I think it's sound advice and I'll act
2 accordingly.

3 Q. Is Mr. Yanny representing you in any
4 literary matters which have anything directly or
5 indirectly or remotely to do with Scientology?

6 MR. ELSTEAD: Just a second.

7 MR. WYNNE: Could you read the question
8 back?

9 (Record read.)

10 MR. WYNNE: I believe the question as
11 phrased invades the attorney/client privilege as to
12 representation on those literary matters. And I will
13 instruct him not to answer the question.

14 MR. MOXON: Q. That's the thing you were
15 going to allow him to answer.

16 MR. WYNNE: Not phrased that way.

17 MR. MOXON: Are you going to follow the
18 advice of this person that doesn't represent you?

19 MR. ELSTEAD: Excuse me. For the
20 record --

21 MR. WYNNE: The person that doesn't
22 represent --

23 MR. ELSTEAD: Excuse me. For the record,
24 we're all antagonistic here. In the hopes of
25 professionalism, let me say one thing.

1 MR. MOXON: Can I have an answer to the
2 question without further adieu?

3 MR. ELSTEAD: If you one more time in
4 this deposition insinuate or make statements like that
5 which in my opinion are an attempt to interfere with
6 an attorney/client relationship I have with
7 Mr. Armstrong, I'm going to end the deposition.

8 MR. MOXON: Mr. Elstead, I don't know
9 what your problem is.

10 MR. ELSTEAD: I just explained it to you.
11 That's all I'm going to say about it.

12 MR. MOXON: I don't understand what you
13 are explaining to me. I honestly don't. Is there
14 some insinuation that I'm interfering with your
15 attorney/client relationship with your client because
16 I'm asking about his relationship with Mr. Wynne?

17 MR. ELSTEAD: Yes. Your implication is
18 exactly what I'm saying.

19 MR. MOXON: Q. Do you have an
20 attorney/client relationship with Mr. Wynne?

21 MR. WYNNE: Asked and answered.

22 MR. MOXON: I understood that you didn't
23 at the beginning of the deposition.

24 A. That's correct.

25 Q. All right. Is Mr. Yanny representing you

1 in any matter, any literary matter having anything to
2 do with Scientology?

3 MR. ELSTEAD: You've been advised by
4 Mr. Yanny's counsel not to answer that question on the
5 grounds of attorney/client privilege. And I'm
6 advising you to follow that advice.

7 MR. WYNNE: I'll repeat the advice. And
8 in case it gets confusing for you, Counsel, Mr. Yanny
9 represents him on literary matters. I represent
10 Mr. Yanny in this litigation. That's the
11 relationship.

12 MR. MOXON: Q. Can I have an answer,
13 please, or refusal?

14 A. I guess I'll answer in a very short way.
15 He does not represent me in any literary matters which
16 relate, as you understand relate, to Scientology.

17 Q. Does he represent you in any literary
18 matters as you understand the term relate to
19 Scientology?

20 MR. WYNNE: Same instruction.

21 THE WITNESS: Okay.

22 MR. MOXON: Q. Can I have an answer,
23 please?

24 A. Just so it's really clear, he does not
25 represent me in any literary matters which involve

1 Scientology.

2 Q. Does the subject of something you are
3 writing concern Scientology in any manner in which
4 Yanny represents you?

5 MR. WYNNE: Wait. Read that question
6 back, please.

7 (Record read.)

8 MR. MOXON: Q. Let me give you that
9 question again.

10 Does Yanny represent you in any manner
11 anything you are writing about which has anything to
12 do with Scientology?

13 MR. WYNNE: Objection. I will instruct
14 the witness on that. He's already answered the
15 question.

16 MR. MOXON: He's differentiated -- I
17 don't understand his answer.

18 I'm trying to find out what he believes.
19 I don't know how he knows what my understanding is.

20 MR. WYNNE: That's a gross
21 misrepresentation of the record in an attempt to try
22 to answer your question completely. He gave you an
23 answer as to not your understanding but the fact that
24 Mr. Yanny does not represent him concerning any
25 literary effort involving Scientology.

1 MR. MOXON: Q. As you understand the
2 terms "relates to Scientology," does Yanny represent
3 you?

4 A. As I understand it, no.

5 Q. So you are not writing anything
6 concerning Scientology for which Yanny represents you.
7 Is that the bottom line?

8 A. That's good enough. Yes, that's the
9 bottom line.

10 Q. What does Yanny represent you about?

11 MR. WYNNE: Don't answer that question.
12 Objection. That invades the attorney/client privilege
13 as to the matters which Mr. Yanny represents him.
14 He's answered as much of the question as you need for
15 purposes of this litigation. And you will go no
16 further.

17 MR. MOXON: Q. When did Yanny start
18 representing you?

19 MR. WYNNE: In terms of literary matters?

20 MR. MOXON: Q. Answer, please.

21 MR. WYNNE: Clarify.

22 THE WITNESS: I'm trying to think, but I
23 would say something over a year.

24 MR. MOXON: Q. Do you recall the month
25 when Yanny started to represent you?

1 A. No.

2 Q. Do you have any written --

3 A. I recall the subjects that we discussed
4 at that time which had to do with copyrights, marks,
5 and that sort of thing, invention. And we discussed
6 at that time his representation of me in those
7 endeavors.

8 Q. Where was that discussion?

9 A. At his home.

10 Q. Were you staying at his home at the time?

11 A. I don't recall if I was or not.

12 Q. This was approximately a year ago?

13 A. Significant amount of time.

14 Q. Give me your best recollection of when
15 that was?

16 A. A year ago.

17 Q. So sometime circa October of 1990 you
18 were a visitor in Yanny's home?

19 A. Could be. I'm just not certain. I don't
20 know. I don't recall if it was. I can't at this time
21 date it, if it was before October or after.

22 MR. ELSTEAD: Mr. Armstrong, all you have
23 to say is you don't recall any better than that.

24 MR. MOXON: Q. Was it during the Yanny
25 one trial that you met with Mr. Yanny concerning he

1 representing you?

2 A. I believe that it was later than that.

3 Q. It was after the trial?

4 A. Correct.

5 Q. Was there anyone else present?

6 A. I don't believe so.

7 Q. Did you make some kind of agreement with
8 Yanny that he represent you?

9 A. Not a formalized agreement. We
10 discussed --

11 MR. ELSTEAD: Would you not talk about
12 what you discussed.

13 THE WITNESS: I wasn't going to go into
14 content and I won't do that. But, again, what I said
15 before, some of my literary projects, my marketable
16 products, and his expertise with regards to those
17 things.

18 MR. MOXON: Q. Did you make an agreement
19 with Yanny that he would represent you?

20 A. Yes.

21 MR. ELSTEAD: Objection. Vague.

22 MR. MOXON: Q. Was that in writing?

23 A. No. It was not formal.

24 Q. Has Yanny provided you any legal
25 representation with regard to literary matters?

1 MR. ELSTEAD: Objection. Vague and
2 ambiguous.

3 MR. WYNNE: Join.

4 MR. ELSTEAD: Calls for legal conclusion.

5 THE WITNESS: I consulted him on those
6 matters.

7 MR. MOXON: Q. My question is, did he
8 actually then provide you any legal representation?

9 MR. ELSTEAD: Objection. Vague and
10 ambiguous. Calls for legal conclusion.

11 MR. WYNNE: Join.

12 THE WITNESS: I consulted him.

13 MR. MOXON: Q. Well, here's what I'm
14 getting at: Sometimes you can go to an attorney and
15 say, "I'm looking for an attorney." That could be
16 considered a consultation. Whether or not you
17 actually retain an attorney and enter what
18 relationship depends on what agreement you make
19 thereafter.

20 Did you enter into some actual agreement
21 with Yanny where he agreed to and thereafter provided
22 you legal representation?

23 MR. ELSTEAD: Objection. Vague and
24 ambiguous. Calls for legal conclusion. Misstates the
25 law with respect to the substance of attorney/client

1 relationship and I advise the client not to answer the
2 question any further on the grounds of attorney/client
3 privilege.

4 MR. WYNNE: Join in the objection and
5 instruct you --

6 MR. MOXON: I'm not asking about
7 representation he gave you. I want to know if he gave
8 you any representation thereafter.

9 THE WITNESS: Yes, he did.

10 MR. ELSTEAD: Mr. Armstrong, I advise you
11 not to answer that question.

12 MR. MOXON: Q. Is Mr. Yanny your
13 attorney today? Is he still your attorney?

14 MR. ELSTEAD: He already testified
15 Mr. Yanny represents him.

16 MR. MOXON: Q. Can you answer the
17 question, please?

18 A. Yes.

19 Q. During any of your conversation with
20 Yanny, did you ever talk about Scientology?

21 MR. ELSTEAD: I'd advise you not to
22 answer that question on the grounds of attorney/client
23 privilege.

24 MR. WYNNE: Join in that.

25 MR. MOXON: Answer.

1 THE WITNESS: No, I won't.

2 MR. MOXON: Q. You refuse to answer
3 whether or not you had any discussions with Mr. Yanny
4 concerning Scientology based on attorney/client
5 privilege?

6 MR. ELSTEAD: You already answered the
7 question, Mr. Armstrong. Once is enough.

8 MR. MOXON: Q. Is that correct?

9 MR. ELSTEAD: Don't answer that.

10 MR. MOXON: Q. Can I have an answer,
11 please?

12 MR. ELSTEAD: He's refusing to answer per
13 the stipulation.

14 MR. MOXON: Q. Can I have an answer?

15 MR. WYNNE: I believe there is a
16 stipulation.

17 MR. ELSTEAD: Next question.

18 MR. MOXON: We have a little problem
19 here, Mr. Wynne. The witness claims that in
20 representing him on Scientology matters -- I asked if
21 he discussed Scientology during that representation
22 and you are claiming an attorney/client privilege for
23 that.

24 MR. WYNNE: As a matter of fact, I
25 didn't.

1 MR. MOXON: Q. Did you have any
2 communications with Yanny about Scientology?

3 MR. WYNNE: Are you excluding
4 communication that he had with Yanny as an attorney?

5 MR. MOXON: No.

6 MR. ELSTEAD: What was your answer?

7 MR. WYNNE: Then I object to the question
8 to the extent that it does invade the attorney/client
9 relationship and I will instruct the witness not to
10 answer that question as phrased.

11 MR. MOXON: Answer or refuse, please.

12 MR. ELSTEAD: I recommend you take
13 Counsel's advice.

14 MR. WYNNE: Mr. Armstrong, on Mr. Yanny's
15 behalf since he asked a question that is not limited
16 in any way and does not exclude communications that
17 you've had with Mr. Yanny as an attorney, I'm
18 instructing you not to answer the question until he
19 does something about that question because as phrased
20 it's objectionable and improper.

21 THE WITNESS: Okay. Right. Then I'll
22 not answer and ask that you rephrase it.

23 MR. MOXON: We'll take a break now for
24 lunch.

25 (Lunch recess.)

1 MR. MOXON: Q. Prior to the deposition
2 today did you speak to Mr. Wynne about the scope of
3 the deposition?

4 A. I don't believe so.

5 Q. During a break a little while ago you and
6 Mr. Wynne and Mr. Elstead went out in the hallway and
7 had a discussion. Was Mr. Wynne present during your
8 discussion with your counsel?

9 A. I'm not sure what discussion you are
10 talking about. Mr. Wynne has been present at various
11 times.

12 Q. Please tell me what you discussed when
13 Mr. Wynne was present?

14 A. I have no recollection, if anything.

15 Q. You don't have any recollection of what
16 you talked about when you went out in the hallway
17 today and had discussions with counsel?

18 MR. ELSTEAD: He answered the question.

19 MR. MOXON: Q. Is that your testimony?

20 MR. ELSTEAD: He answered the question.
21 You don't have to answer it again, Mr. Armstrong.

22 MR. MOXON: Q. Do you have any
23 recollection of any of the discussions you had out in
24 the hallway today with your counsel when Mr. Wynne was
25 present?

1 MR. ELSTEAD: Argumentative. Asked and
2 answered.

3 MR. WYNNE: Also I'm going to object to
4 the question. Vague and ambiguous. You want to
5 define "present" as in taking part in the
6 conversation, as in ten feet of the conversation?
7 What are you talking about?

8 MR. MOXON: He said you were present.
9 Let me rephrase it for you. Get it clear on the
10 record.

11 Q. Is it your testimony that you have no
12 recollection of any of the conversations you had today
13 with your counsel when Mr. Wynne was present within
14 earshot of the conversation?

15 MR. ELSTEAD: Same objection.
16 Argumentative. Asked and answered.

17 MR. WYNNE: I will add to that. Calls
18 for speculation as to whether I could hear a
19 conversation or not.

20 THE WITNESS: I have no recollection.

21 MR. MOXON: Q. Right after one of my
22 questions concerning whether or not Mr. Yanny was
23 representing you as to Scientology matters you took a
24 break and went outside to talk to Mr. Wynne and
25 Mr. Elstead. Do you recall that?

1 A. I recall that there were a couple of
2 breaks. I don't recall what questions preceded the
3 breaks or if there's any connection to the question.

4 Q. Did you have any discussion with your
5 counsel when Mr. Wynne was present and could hear or
6 when Mr. Wynne participated in a discussion with
7 respect to representation by you of Joe Yanny?

8 MR. MOXON: Do you want to read that
9 question back? I think you misspoke yourself,
10 Counsel.

11 (Record read.)

12 MR. ELSTEAD: Are you asking him --

13 MR. MOXON: Q. Representation by you by
14 Mr. Yanny.

15 MR. WYNNE: Objection. Vague, ambiguous
16 and unintelligible.

17 MR. ELSTEAD: If you understand the
18 question --

19 THE WITNESS: No, I didn't understand.

20 MR. MOXON: Q. Did you have any
21 discussion in the hallway when Mr. Wynne was present
22 concerning Yanny's representation of you?

23 A. I don't believe so.

24 Q. Did you have any discussions in the
25 hallway with Mr. Wynne at all?

1 A. I had a discussion -- I just don't
2 recall. They may have communicated about something
3 and I -- you know, no specifics come to mind. Just --
4 I can't recall anything. There was one time when John
5 and I went out and discussed --

6 MR. ELSTEAD: Woe.

7 MR. MOXON: Q. Was Mr. Wynne present?

8 A. No.

9 MR. MOXON: Q. My question to you is,
10 did you have any discussions in which Mr. Wynne
11 participated in the hallway today?

12 A. I don't recall any of the discussions
13 which may have occurred.

14 Q. So, first of all the question is, did you
15 have any discussions with Mr. Wynne in the hallway
16 today?

17 A. I don't believe that I did.

18 Q. So just to clarify that on the record
19 then I'll move on. You don't believe you had any
20 discussions with Mr. Wynne out in the hallway today;
21 is that correct?

22 MR. ELSTEAD: That's not what he said.
23 He said he didn't recall whether he had any
24 discussions with Mr. Wynne out in the hall.

25 THE WITNESS: At the risk of --

1 MR. ELSTEAD: Mr. Armstrong.

2 MR. MOXON: I object. What you believe
3 his answer is is different.

4 MR. ELSTEAD: I'll instruct the witness
5 not to answer any further questions. I believe you
6 are badgering the witness.

7 MR. MOXON: Q. To be clear on the record
8 then, you don't believe you had any conversation with
9 Mr. Wynne in the hallway today; is that correct?

10 MR. ELSTEAD: Don't answer the question,
11 Mr. Armstrong. He's answered the question several
12 times. You've answered the question. Just move on.

13 THE WITNESS: That's correct. No
14 recollection.

15 MR. ELSTEAD: Mr. Armstrong, I'm advising
16 you not to answer the question.

17 MR. MOXON: Q. Answer me, please.

18 MR. ELSTEAD: He's not answering the
19 question.

20 MR. WYNNE: Are you going to continue to
21 ignore the stipulation? Why don't you take it off the
22 record if you are going to?

23 MR. MOXON: Q. Can I have an answer,
24 please?

25 MR. WYNNE: The stipulation on the record

1 is he's not answering.

2 MR. ELSTEAD: This is dead silence. When
3 he asks another question we can move on. Until then
4 we can wait. When he's ready, it's his deposition.

5 MR. MOXON: Q. Please answer the
6 question or refuse to answer.

7 Are you thinking or are you not going to
8 say anything?

9 A. I'm waiting.

10 MR. ELSTEAD: Don't respond to those
11 kinds of questions. He's not entitled to --

12 MR. MOXON: The witness isn't saying
13 anything.

14 MR. ELSTEAD: You are not going to get an
15 answer. You understand that we had a stipulation?

16 MR. MOXON: You are instructing him not
17 to answer?

18 MR. ELSTEAD: My lord, fellow. I said
19 three times on the record I'm instructing him not to
20 answer the question. We have a stipulation we don't
21 have to follow it up with another question. If you
22 want to withdraw the stipulation --

23 MR. MOXON: I didn't make the
24 stipulation, you did. If you want to withdraw it,
25 fine.

1 MR. ELSTEAD: Excuse me. It was your
2 offer. You offered the stipulation. I stipulated to
3 it.

4 MR. MOXON: Are you withdrawing it now?

5 MR. ELSTEAD: I think you are brain dead.

6 MR. MOXON: Q. Did you talk to Toby
7 Plevin about this deposition before you came here
8 today?

9 A. No.

10 Q. Did you talk to Mr. Wynne over the lunch
11 break?

12 A. Yes.

13 Q. Do you remember that?

14 A. Right.

15 Q. What did you talk to him about?

16 MR. WYNNE: I'm going to object to the
17 extent that that conversation had anything to do with
18 the matters in which Mr. Yanny has represented
19 Mr. Armstrong and instruct him not to answer as to
20 those matters.

21 THE WITNESS: Okay. Then I will answer
22 regarding other matters. It was simply that in
23 anything which could remotely be construed as
24 Scientology litigation or Scientology matters, Joseph
25 Yanny has never represented me. He does not represent

1 me now. He has never represented me.

2 MR. MOXON: Q. Joseph Yanny does in fact
3 represent you now; is that correct?

4 MR. WYNNE: Objection.

5 THE WITNESS: Let's go back, if you want.
6 She's got my answer completely and I think it was a
7 very complete answer.

8 MR. MOXON: Q. You want to clarify the
9 record? I want to clarify your answer.

10 Are you saying now that Joe Yanny does
11 not represent you any longer?

12 MR. WYNNE: Objection. Misstates his
13 testimony.

14 MR. MOXON: Q. I'm asking you. Are you
15 saying "yes" or "no"? Does Joe Yanny represent you
16 now?

17 MR. WYNNE: The question has been asked
18 and answered about four times this morning.

19 MR. MOXON: Q. Can I have an answer,
20 please?

21 A. I'll stick by the answer that I just
22 gave.

23 Q. Which one? You just a moment ago said
24 Joe Yanny doesn't represent you now.

25 A. I told you very specifically in

1 Scientology litigation, Scientology matters, Joe Yanny
2 has never represented me and does not now represent
3 me.

4 Q. But he does represent you in other
5 matters; is that correct?

6 A. In literary matters, that's correct.

7 Q. Are you writing a book concerning
8 Scientology or writing anything concerning
9 Scientology?

10 A. I have written a couple of books
11 concerning Scientology.

12 Q. Are you seeking to have those books
13 published?

14 A. Yes.

15 Q. Have you discussed that with Joe Yanny?

16 A. I don't believe it ever came up.

17 Q. Joe Yanny never learned from you that you
18 had written a book about Scientology?

19 MR. ELSTEAD: Objection. Calls for
20 speculation.

21 THE WITNESS: I gave one of the books to
22 Joe Yanny.

23 MR. MOXON: Q. Which one?

24 A. It's a book entitled "Defendant's
25 Appendix."

1 Q. When did you do that?

2 A. Sometime this year.

3 Q. Approximately when?

4 A. Maybe February, March.

5 Q. Did you tell Joe whether or not that book
6 had been copyrighted?

7 A. I don't think so. The subject never came
8 up.

9 Q. Did you tell Joe whether or not you were
10 seeking to publish the book?

11 A. I don't recall if that came up either.

12 Q. Did you subsequently discuss with Joe
13 whether or not he had read the book?

14 A. I may have.

15 Q. Did you or didn't you?

16 A. I don't recall.

17 Q. Do you recall any conversation with Joe
18 Yanny about the book that you gave him after the time
19 that you gave it to him?

20 A. I don't recall any conversation.

21 Q. Where did you give it to him?

22 A. At his home.

23 Q. You were at his home?

24 A. Yes.

25 Q. What month?

1 A. I've given you the best answer I could in
2 that regard.

3 Q. What's your best recollection of what
4 month it was?

5 A. I gave that to you already.

6 Q. You have no idea. Sometime this year,
7 but you have no idea what month?

8 A. My best recollection so far has been
9 February or March.

10 Q. What were you doing in Joe Yanny's home
11 in February or March?

12 A. Visiting.

13 Q. Did you discuss Scientology then?

14 A. I don't have any recollection of
15 discussing it.

16 Q. Do you have any recollection of ever
17 discussing Scientology with Yanny?

18 MR. WYNNE: Objection. And I'll instruct
19 him not to answer that question as phrased.

20 MR. MOXON: Q. Answer.

21 MR. WYNNE: No. Mr. Armstrong, speaking
22 for Mr. Yanny, recognizing you have talked to him from
23 time to time as an attorney, until counsel cleans up
24 his question so it does not invade the attorney/client
25 privilege I will instruct you not to answer the

1 question on Mr. Yanny's behalf.

2 MR. MOXON: It's not Yanny's privilege,
3 Mr. Wynne.

4 MR. WYNNE: It's a privilege he has a
5 right to maintain.

6 MR. MOXON: Are you instructing him on
7 behalf Mr. Yanny not to answer the question?

8 MR. WYNNE: Yes. Bingo.

9 MR. MOXON: Are you going to follow
10 Mr. Yanny's instructions not to answer that question?

11 MR. ELSTEAD: I'll advise you,
12 Mr. Armstrong, you have a privilege not to disclose
13 communications you've had with Mr. Yanny that arose
14 during a conversation you had with him as your
15 attorney. And I'll advise that you not -- that you
16 assert that privilege and not disclose that
17 information.

18 THE WITNESS: That's correct.

19 MR. MOXON: Q. You are not answering?

20 A. Correct.

21 Q. In your conversation with Mr. Yanny and
22 in February or March of this year at his home, did you
23 have any conversations regarding Scientology?

24 MR. WYNNE: Same objection. Same
25 instruction.

1 MR. MOXON: Q. Answer, please.

2 MR. WYNNE: Again, Mr. Armstrong, Counsel
3 seems incapable of excluding from his question
4 conversations with Mr. Yanny that would be privileged.
5 Until he does something about that, on Mr. Yanny's
6 behalf I'm going to inform you you have a right not to
7 testify as to any information that was relayed to him
8 in the course of an attorney/client privilege and
9 instruct you not to answer.

10 MR. MOXON: Q. Answer, please.

11 A. No. I also insert on my behalf and on
12 behalf of Mr. Yanny a priest/penitent privilege with
13 regard to all my communications with Mr. Yanny.

14 MR. MOXON: Q. Can I have an answer,
15 please?

16 MR. WYNNE: I will join in that objection
17 on behalf of the penitent.

18 MR. MOXON: Who's the penitent?

19 MR. WYNNE: Same objection.

20 MR. MOXON: Q. You made an objection on
21 behalf of somebody. I'd like to find out who the
22 person is.

23 A. In this circumstance Mr. Yanny is.

24 Q. Mr. Yanny is your penitent?

25 A. In this circumstance, yes.

1 Q. So you are going to refuse. So to kind
2 of clear this whole thing up so we don't waste a lot
3 of time, are you going to refuse to answer any
4 questions with respect to any communications you had
5 with Joseph Yanny based on both an attorney/client
6 privilege and a priest/penitent privilege concerning
7 Scientology?

8 A. I will not discuss those things which
9 fall under the attorney/client privilege according to
10 the attorney/client privilege. I will not discuss
11 those things which fall under the priest/penitent
12 privilege according to that privilege.

13 Q. Thank you for that, but that's not what I
14 asked you. My question is, do you refuse to answer
15 any questions with respect to communications you had
16 with Joseph Yanny concerning Scientology based on your
17 attorney/client privilege with Yanny and your
18 priest/penitent privilege with Yanny?

19 MR. WYNNE: That question is simply not
20 answerable. What do you mean "any questions"?

21 Why don't you try asking him some
22 questions that don't invade the privilege, Counsel. I
23 think you can do it.

24 MR. MOXON: Q. Can I have an answer?

25 A. To me your question did not make sense

1 and I think that it needs to be presented with more
2 specificity.

3 Q. During your visit with Yanny in February
4 or March of this year when you visited Yanny in his
5 home, did you have any conversations whatsoever
6 regarding Scientology? That was the question that was
7 objected to earlier.

8 A. The conversations which I had with
9 Mr. Yanny are protected by the priest/penitent
10 privilege and I will not divulge them. Not by
11 attorney/client privilege.

12 Those which are related to our business
13 relationship, he as attorney and me as client, are
14 protected by the attorney/client privilege.

15 Q. Did Yanny tell you ever that he had
16 provided legal advice to Bent Corydon?

17 MR. WYNNE: I'm going to object to that.
18 It appears that there are two attorney/client
19 privileges that that question potentially invades.

20 MR. MOXON: Q. Answer, please.

21 A. I have no recollection.

22 Q. Did Yanny ever tell you that he had
23 spoken to Bent Corydon about Corydon's litigation with
24 the church?

25 A. I have no recollection of anything he may

1 have said about Bent Corydon.

2 Q. Did Yanny tell you he ever had any
3 communication with Vickie Aznaran about her litigation
4 with the church?

5 MR. ELSTEAD: Could you repeat the
6 question?

7 MR. MOXON: Q. Did Yanny ever tell you
8 he had any communication with Vickie Aznaran about her
9 litigation with the church?

10 MR. WYNNE: I'm going to object to that.
11 That invades the attorney/client privilege. And on
12 that, Mr. Armstrong, to the extent that Mr. Yanny
13 might have said anything like that during the course
14 of your employment, if any, with Mr. Yanny I instruct
15 you not to answer the question.

16 MR. MOXON: Q. Answer, please.

17 MR. WYNNE: He's been instructed not to
18 answer the question, Counsel.

19 MR. MOXON: You are not his lawyer.

20 MR. WYNNE: I'm Mr. Yanny's lawyer. You
21 are asking questions that invade the attorney/client
22 privilege as to Vickie Aznaran and Joe Yanny. And
23 I've instructed him not to answer. Move ahead.

24 MR. MOXON: I want an answer from the
25 witness. I didn't make any stipulations with you,

1 Mr. Wynne.

2 Q. May I please have an answer or refusal to
3 answer?

4 A. Such conversation which may have occurred
5 between me and Mr. Yanny, if they did occur, fall
6 squarely under the priest/penitent privilege.

7 Q. So you are not objecting on the basis of
8 Mr. Wynne's objection?

9 A. He has his objection.

10 Q. You are not objecting on that basis?

11 A. I have my objection.

12 Q. Any conversations you had with Joe Yanny
13 about his legal representation of Vickie Aznaran you
14 are asserting an objection on the basis of
15 priest/penitent privilege?

16 A. His representation, you never asked that.
17 Originally you began with an earlier period of time.
18 His representation of Vickie Aznaran began in July of
19 this year. If we're shifting to that period of time
20 then we'll discuss that.

21 Q. Did you ever have any conversation at any
22 time with Joe Yanny about his representation of Vickie
23 Aznaran?

24 A. Yes.

25 Q. When?

1 A. July of this year.

2 Q. What did he tell you?

3 MR. WYNNE: Objection. I think the
4 question as posed invades the attorney/client
5 privilege. Whether it also invades the
6 priest/penitent privilege, I'm not sure.

7 MR. MOXON: Q. What did he tell you?

8 A. He said he needed my help.

9 Q. To do what?

10 A. He did not say.

11 Q. By the way, did Mr. Yanny employ you?
12 Mr. Wynne indicated there was an employment privilege.

13 A. He asked for my help.

14 Q. Did Mr. Yanny employ you?

15 A. In the sense that I traveled to Los
16 Angeles to assist him, knowing that he was then the
17 attorney of record in the Aznaran case.

18 Q. Did he pay for you to come?

19 A. Yes.

20 Q. Did he pay any of your expenses while you
21 were here?

22 A. Not while I was here, but he did pay for
23 my expenses going to Los Angeles.

24 Q. Paid your airfare?

25 A. No -- no, bus fare.

1 Q. Did he pay for anything else other than
2 bus fare?

3 A. No.

4 Q. Did he give you food while you were
5 there?

6 A. Yes.

7 Q. Did he give you any other compensation
8 while you were here?

9 A. No compensation for anything that I did.

10 Q. But you lived at his house?

11 A. Yes.

12 Q. Did he give you any free legal
13 representation?

14 A. Nothing that has any relationship to that
15 litigation.

16 Q. By the way, have you ever paid Joe Yanny
17 for any legal representation?

18 A. No.

19 Q. Anything he's given to you has been given
20 free?

21 A. So far it's been that way.

22 Q. Prior to July 15 of this year, had you
23 had any conversation with Joe Yanny regarding Vickie
24 Aznaran?

25 A. Yes.

1 Q. When?

2 A. During the first Yanny trial.

3 Q. Were you staying at his house at that
4 time?

5 A. I don't believe that I was staying there
6 at that time. At least that's my recollection.

7 Q. Did Yanny tell you that he provided legal
8 representation to Vickie Aznaran?

9 A. At that time?

10 Q. Yes.

11 A. I have no recollection of anything like
12 that.

13 Q. Did he tell you he'd given her any legal
14 advice?

15 A. I have no recollection of anything like
16 that. And I am not getting into the specifics of his
17 communication to me.

18 Q. Why?

19 A. Because I consider that his
20 communications to me are privileged.

21 Q. On what basis? What privilege?

22 A. On the basis of our priest/penitent
23 relationship.

24 Q. Are you a priest?

25 A. You could call me that.

1 Q. Are you a priest?

2 MR. WYNNE: Objection. What do you mean?
3 Vague and ambiguous.

4 MR. MOXON: Q. I might call you lots of
5 things. My question is, are you a priest? Are or
6 aren't you?

7 A. I do not use that title, but in terms of
8 privilege that's the applicable title. I could call
9 myself a shaman or I could call myself any number of
10 things or I could call myself nothing.

11 Q. What do you call yourself in terms of a
12 role as a religious whatever?

13 A. I prefer not to discuss that in this
14 deposition.

15 Q. Do you have a title?

16 A. I do not have a title.

17 Q. Do you call yourself something?

18 A. I prefer not to get into that in this
19 deposition.

20 Q. If you are going to claim a privilege I'm
21 entitled to know what it is you call yourself in
22 relationship to this.

23 MR. ELSTEAD: Objection. Misstates the
24 law and is asking the witness to draw a legal
25 conclusion.

1 MR. MOXON: Q. Answer, please.

2 A. I don't believe that you are entitled to
3 know that.

4 Q. Are you refusing to answer? That's all I
5 want to know.

6 A. I will not answer that question.

7 Q. Did you talk to Joe Yanny at any time
8 about Vickie Aznaran's relationship with the church?

9 A. I have no recollection of such a
10 communication. If there was one I would consider it
11 privileged.

12 Q. Did you ever have any communication with
13 Yanny about his own relationship with the church?

14 A. Again, if such a matter was ever
15 discussed I would consider that that also is
16 privileged, his communications to me regarding his
17 relationship with the organization.

18 Q. By the way, when you were telling me
19 earlier about the corollary of your church, I didn't
20 get it down exactly. Could you please tell me again
21 what the corollary is with respect to the church?

22 A. Okay.

23 MR. ELSTEAD: Objection. Asked and
24 answered.

25 MR. WYNNE: Join.

1 THE WITNESS: Therefore everything that
2 is said or done between members of the church is
3 sacred.

4 MR. MOXON: Q. In your religious belief
5 is there any specific dogma with respect to
6 confidentiality of communications, a specific policy
7 with respect to that?

8 A. I have given you the belief of the church
9 and I believe that the obvious flows there from and
10 the conclusions can be drawn by anyone.

11 Q. Could you answer my question, please?

12 A. It's inherent in the belief, corollary
13 and the obvious of the church.

14 Q. What is inherent?

15 A. The answers to the question that you just
16 asked regarding confidentiality.

17 Q. May I ask you again, is there a
18 confidentiality policy or belief?

19 A. There is no policy.

20 Q. Is there a belief?

21 A. There is a belief.

22 Q. Is there a belief regarding
23 confidentiality?

24 A. I've told you what the belief is.

25 Q. Is there any specifically written

1 practice with respect to confidentiality of
2 communications between members of your religion?

3 A. The belief and the corollary and the
4 obvious are written and I believe that that answers
5 your question fully.

6 Q. Is that the only answer you'll give me?

7 A. Yes.

8 Q. So I take it there's no specific written
9 policy or belief with respect to confidentiality?

10 A. I told you that the church has one
11 belief. It does not have a piece of dogma entitled
12 "Policy."

13 Q. Did you ever talk to Joe Yanny about
14 whether or not your communications with him could be
15 protected by asserting a priest/penitent privilege?

16 A. If such a communication occurred it would
17 fit squarely under the priest/penitent privilege.

18 Q. You are claiming a privilege to tell me
19 whether or not you discussed with him whether or not
20 there was a privilege?

21 A. Right.

22 Q. Did you ever have any communication with
23 Joseph Yanny where he told you or discussed that he
24 was or had provided information with respect to the
25 church to any government agency?

1 MR. WYNNE: Aside from what he's
2 testified to this morning?

3 MR. MOXON: Q. Answer.

4 A. No recollection of any such communication
5 and no knowledge.

6 Q. Did Yanny ever ask you to testify on his
7 behalf?

8 A. Other than his trial subpoena which we've
9 gotten into already which orders me to testify, I
10 don't believe he has ever requested.

11 Q. Have you received a trial subpoena for
12 Yanny two?

13 A. No.

14 Q. You are talking about the subpoena for
15 the old trial?

16 A. Right.

17 Q. Did you ever have any communications with
18 Yanny as to whether or not you should testify?

19 MR. WYNNE: Vague as to time.

20 THE WITNESS: When are we talking about?

21 MR. MOXON: Q. Anytime, ever.

22 A. I received the trial subpoena.

23 Q. Yes, I know that. Did you have any
24 communications with Yanny, oral communications with
25 Yanny, as to whether or not you should testify on his

1 behalf?

2 MR. WYNNE: Again, vague as to time.

3 THE WITNESS: I have no recollection of
4 that conversation.

5 MR. MOXON: Q. Did you ever have any
6 conversation with Yanny as to what you could testify
7 about if you were to testify at trial?

8 MR. WYNNE: Which trial? Vague and
9 ambiguous.

10 MR. MOXON: Q. The Scientology trials
11 one or two?

12 A. I have no recollection.

13 Q. You and Yanny often talk about
14 Scientology, don't you?

15 A. No.

16 Q. It's not an important part of your
17 communications about Scientology -- a significant part
18 of your communications concerning Scientology issues?

19 A. It's not an important part.

20 Q. What percentage of the time when you
21 speak with Yanny do you speak about Scientology?

22 A. I don't think I should get into that.

23 Q. I do. Could I have an answer?

24 MR. WYNNE: Objection. Until counsel can
25 clean up his questions so it doesn't invade the

1 attorney/client privilege I will instruct you not to
2 answer on Mr. Yanny's behalf.

3 MR. MOXON: Q. Answer, please.

4 A. I cannot answer regarding percentage and
5 I cannot answer without a definition from you as to
6 what you mean by Scientology.

7 MR. MOXON: Q. Do you know what
8 Scientology is?

9 A. I have my definition but I'd like to hear
10 yours.

11 Q. Let's stick with yours.

12 A. Okay. Then I would say that it rarely
13 gets discussed and whatever is discussed is
14 privileged.

15 Q. What privilege?

16 A. Priest/penitent privilege.

17 Q. Attorney/client privilege, too?

18 A. I can't answer that in the abstract.

19 MR. WYNNE: You are asking him to draw a
20 legal conclusion. If you want me to talk to him and
21 find out if it had to do with communications with
22 Mr. Yanny --

23 MR. MOXON: Q. You can tell me any
24 communications he has with Mr. Wynne.

25 MR. WYNNE: Actually, you are not. If I

1 discuss with him the matters in which Mr. Yanny
2 represent him you are not entitled to that.

3 MR. MOXON: Yes, I am. You want to talk
4 to him about it, go ahead and talk to him. But I'm
5 going to ask him what you talked about.

6 MR. WYNNE: Could you read the last
7 question back so I can --

8 MR. MOXON: Q. I'll give you a new
9 question.

10 You filed a declaration, a handwritten
11 declaration indicating that you received a telephone
12 call from Mr. Yanny on or about July 10. He left a
13 message on your machine saying he needs your help. Do
14 you remember that?

15 A. Yes.

16 Q. Did he say what he needs your help about?

17 MR. WYNNE: Vague as to time.

18 THE WITNESS: What are you -- when?

19 MR. MOXON: Q. I told you it was July
20 10, is what you put in your declaration.

21 A. Okay. July 10, the answer -- he may have
22 said sometime after that, and it could have been
23 subsequent communication. I certainly learned it may
24 have been in that communication that he had become
25 involved in the Aznaran case, the attorney at record.

1 Q. Did you talk to Joe about whether or not
2 he should have been involved in the Aznaran case as
3 attorney at record?

4 A. No.

5 Q. Did you ever talk to Joe at all about his
6 representation of the Aznaran case as to whether or
7 not it was appropriate for him to represent the
8 Aznaran case?

9 MR. ELSTEAD: Objection. Compound.

10 MR. WYNNE: Join.

11 THE WITNESS: No.

12 MR. MOXON: Q. That's what your
13 declaration was about, wasn't it, was that it was
14 appropriate for him to be counsel for the Aznaran
15 case?

16 A. That declaration --

17 MR. WYNNE: Objection. The document
18 speaks for itself and you haven't put it in front of
19 the witness so he can see what you are talking about.

20 MR. MOXON: Q. Wasn't that the purpose
21 of providing the declaration in part, to assist Joe,
22 to demonstrate for him it was not inappropriate for
23 him to be counsel at record?

24 MR. ELSTEAD: Objection. Compound.
25 Calls for speculation. Vague and ambiguous.

1 MR. WYNNE: Document speaks for itself.

2 MR. ELSTEAD: Are you sure what
3 declaration he's talking about?

4 THE WITNESS: My feeling is you are
5 misstating the significance of the declaration and the
6 content.

7 MR. MOXON: Q. Was there any purpose
8 whatsoever in assisting Joe Yanny with this
9 declaration? It was filed in the Yanny two case and
10 dated July 19, 1991.

11 MR. WYNNE: The record should reflect
12 that counsel has the document in front of him which he
13 represents is a declaration by Mr. Armstrong and
14 Mr. Armstrong doesn't have that document in front of
15 him.

16 MR. MOXON: He's got the document in
17 front of him. It's in the case. You filed it in the
18 case. It's in the public record. Calm down.

19 MR. WYNNE: You have a piece of paper in
20 front of you.

21 MR. MOXON: So does he.

22 MR. ELSTEAD: Objection. Just show him
23 what you are showing him to make sure he does have the
24 declaration you are referring to just for the record.
25 Let's make sure we're talking about the same

1 declaration. Do you have any objection of clearing
2 that up?

3 MR. MOXON: Q. It's the declaration in
4 front of the witness. It's the one that was filed in
5 the case dated July 19, 1991.

6 MR. ELSTEAD: You have that declaration
7 in front of you?

8 THE WITNESS: What's the date again?

9 MR. MOXON: Q. July 19.

10 A. Okay. I have it here.

11 MR. ELSTEAD: Okay.

12 THE WITNESS: And this was a declaration
13 which, as you say, was filed in open court you said to
14 Mr. Wynne. Okay.

15 MR. MOXON: Q. Why did you give that
16 declaration to Mr. Yanny?

17 A. I state here in the first paragraph what
18 gave rise to my writing the declaration and my
19 forwarding it to Mr. Yanny.

20 Q. Mr. Yanny asked you to give it to him,
21 right?

22 A. No.

23 Q. He never asked you for this declaration?

24 A. No.

25 Q. Did he ask you to assist him, to give him

1 the declaration?

2 A. No.

3 Q. What help were you supposed to give when
4 he called and asked for your help on July 10?

5 A. He did not state.

6 Q. But you subsequently learn what he wanted
7 from you?

8 A. I subsequently provided what help I did
9 provide.

10 Q. He never told you what help he wanted?
11 You just guessed?

12 A. You are misstating what I just stated.

13 Q. Did he ever tell you what help he wanted
14 from you? That's the question.

15 A. Yes.

16 Q. What?

17 A. I wrote two declarations regarding
18 matters which I had knowledge of which were, I trust,
19 help in the Aznaran litigation.

20 Q. Was that the help he wanted?

21 A. That's what he asked for in regards to
22 the Aznaran litigation. There's another aspect of it
23 which I also covered in this declaration which is help
24 in the form of counseling.

25 Q. All he asked you was to come down to L.A.

1 to counsel him with respect to the Aznaran litigation?

2 A. You are misstating what I said.

3 Q. I'm asking you.

4 A. He asked me for my help.

5 Q. Did he ask you for counseling help with
6 respect to the Aznaran situation?

7 A. You are misstating what I said.

8 Q. I'm asking you, "yes" or "no"?

9 A. He asked for my help.

10 Q. Did he ask you for help with respect to
11 counseling of him concerning the Aznaran situation?

12 MR. ELSTEAD: If he didn't ask you that
13 the answer is no, Mr. Armstrong.

14 THE WITNESS: Yeah. Okay. The areas or
15 subjects in which I provided counseling help to
16 Mr. Yanny I consider privileged. The areas in which I
17 provided assistance to him for the litigation are
18 matters of public record and that is the provision of
19 two declarations concerning my specific knowledge.

20 MR. MOXON: Q. Mr. Armstrong, did
21 Mr. Yanny ask you to counsel him with respect to any
22 problems arising out of the Aznaran situation?

23 A. What Mr. Yanny asked me to counsel him
24 regarding is privileged information.

25 Q. Do you refuse to answer?

1 A. That's correct.

2 Q. By the way, do you know if Bent Corydon
3 is counseling Mr. Yanny?

4 A. I don't know.

5 Q. Do you know if he ever has?

6 A. I don't know.

7 Q. Did Yanny ever mention that to you? Did
8 that subject ever come up?

9 A. If it did that would likewise be
10 privileged.

11 Q. Are you refusing to answer?

12 A. Yes.

13 Q. Is Bent Corydon a member of your church?

14 MR. WYNNE: Objection. Asked and
15 answered.

16 MR. ELSTEAD: I would advise
17 Mr. Armstrong not to answer that on the basis of
18 Mr. Corydon's right of privacy.

19 MR. WYNNE: Join in that.

20 MR. MOXON: Q. I don't believe that was
21 an instruction not to answer. Could I have an answer,
22 please?

23 A. I will answer it then. And that is that
24 this litigation and this deposition concerns
25 Mr. Yanny. My relationship to Mr. Yanny, not my

1 relationship to Mr. Corydon. Therefore, I think it's
2 inappropriate in this context for me to discuss my
3 relationship with Mr. Corydon, so I will not.

4 Q. Do you refuse to answer?

5 A. That's correct.

6 Q. Do you know if Corydon and Yanny are
7 members of the same church?

8 A. Your question doesn't make any sense to
9 me.

10 Q. Do you know if Corydon and Yanny are
11 members of the same church?

12 A. Your question doesn't make any sense.

13 Q. Well, you are a member of a church,
14 right?

15 A. That's correct.

16 Q. Yanny is a member of the same church,
17 right?

18 A. That's correct.

19 Q. Are Corydon and Yanny members of the same
20 church?

21 A. Your question doesn't make any sense.
22 And I explained that this is the Yanny litigation,
23 Yanny deposition. And I will not get into private
24 matters relating to Mr. Corydon. It's inappropriate
25 at this time.

1 Q. On page 2 of your declaration of July 19
2 you state that, "Rick and Vickie Aznaran, plaintiff's
3 and counter-defendant's against the organization had
4 been induced to fire their attorney, Ford Greene, and
5 that Mr. Yanny had come into the case to ensure they
6 had legal representation."

7 How did you learn that?

8 MR. ELSTEAD: Objection. Assumes facts
9 not in evidence.

10 MR. WYNNE: Also object that the document
11 speaks for itself.

12 MR. MOXON: We'll mark this declaration
13 as Exhibit 2.

14 (Whereupon, Plaintiff's
15 Exhibit 2 was marked
16 for identification.)

17 MR. MOXON: Q. Let me give you a copy of
18 the exhibit to make sure you have the exhibit.

19 A. Okay. This one here is Exhibit 1.

20 Q. How did you learn that?

21 MR. ELSTEAD: Objection. Assumes facts
22 not in evidence.

23 THE WITNESS: I believe at the time
24 through my -- in fact, I think it's in my other
25 declaration. But that it came from this telephone

1 call. And subsequently the work that I did in the
2 writing of the two declarations in Mr. Yanny's office.

3 MR. MOXON: Q. Mr. Yanny informed you of
4 those facts, alleged facts?

5 A. I saw a declaration regarding those
6 facts.

7 Q. From Mr. Yanny?

8 A. My recollection is Mr. Van Sickle. And I
9 wrote a declaration concerning a conversation
10 Mr. Van Sickle had. And that was the substance of the
11 conversation.

12 Q. Are you testifying now that before you
13 came to Los Angeles you didn't know the fact that you
14 set forth on page 2 in your declaration that Rick and
15 Vickie Aznaran were induced to fire Ford Greene?

16 A. No. I may have known some of the general
17 facts regarding it by the time I went down, but the
18 specific facts I gathered while down there.

19 Q. Who told you that before you came down?

20 A. It was Joe. Whatever I knew at that
21 point. We spoke briefly. He asked for my help. I
22 said, "I'll come down."

23 Q. What did he tell you about the church
24 allegedly inducing the Aznarans to fire Ford Greene?

25 A. Now, are we talking before I go down to

1 Los Angeles or what I was told at any time?

2 Q. Let's stick with before you went to Los
3 Angeles first. Did Yanny tell you about the church
4 allegedly inducing the Aznarans to fire Ford Greene?

5 A. I don't know if I learned of the
6 specifics at that time because I think that's what I
7 recall of that situation, was him saying he had to
8 come back in to make sure that they have
9 representation. That's the situation.

10 Subsequently I learned more in detail
11 because I've been involved with this litigation.
12 Subsequently I do know of what has been said on both
13 sides regarding what happened.

14 Q. Where did you learn that, what's been
15 said on both sides regarding that?

16 A. I think really what I've said here is the
17 essence.

18 Q. Have you learned that from whom, from
19 Yanny?

20 A. And the other details.

21 Q. Mr. Armstrong, did you learn this other
22 information from Yanny?

23 A. As I say, from the conversation with
24 Barry Van Sickle, the declarations which were filed
25 regarding this specific incident, declaration by your

1 attorneys; Drescher, Quinn, declaration by Van Sickle.
2 And those are -- and then in various pleadings where
3 this issue has just gone back and forth from both
4 sides.

5 Q. What did Barry Van Sickle tell you about
6 the church inducing the Aznarans to fire Ford Greene?

7 A. At least one of the conversations with
8 Barry Van Sickle is the subject of the declaration
9 which I provided.

10 Q. Can you just answer my question? I'd
11 appreciate it when I ask the question that you just
12 answer the question I ask. We'll go a lot faster.

13 What did Barry Van Sickle tell you about
14 the church inducing the Aznarans to fire Ford Greene?

15 A. This is my understanding at this point.
16 During settlement negotiations.

17 MR. ELSTEAD: He's asking you what Barry
18 Van Sickle told you, not your understanding of what
19 happened. If you don't recall or he didn't tell you
20 anything, tell him so. But if he told you something,
21 if Barry Van Sickle told you something about it, tell
22 him what he told you.

23 THE WITNESS: There was a conversation
24 and I wrote down the details of that conversation in
25 the declaration. And that had to do with -- I don't

1 recall if it was Quinn or Drescher.

2 MR. ELSTEAD: He's asking you if you
3 recall what Barry Van Sickle told you. No other
4 names. You either remember what Van Sickle told you
5 or you don't. If you do, tell him what Van Sickle
6 told you. Nothing more. Nothing less. I want to
7 make sure we're on track here.

8 THE WITNESS: During a settlement talk.

9 MR. ELSTEAD: This is what Van Sickle
10 told you, right?

11 THE WITNESS: Right. It didn't seem
12 clear to me. With Quinn and Drescher that, and this
13 is the part that I recall -- I'm trying to get it
14 because I listened to that conversation very closely.

15 That either Quinn or Drescher, and that I
16 don't recall, said that they wanted to end the
17 litigation. And that they wanted him out of the
18 litigation or they wanted him and Toby, I guess it
19 was, out of the litigation if they possibly could.
20 And that they knew that they couldn't ask that, but
21 that's what they wanted.

22 It's a rough, my rough understanding of
23 that conversation between Van Sickle and Quinn and
24 Drescher and Quinn or Drescher and the other part of
25 it.

1 MR. MOXON: Q. This is what Van Sickle
2 told you?

3 A. Right. It was a conversation between Van
4 Sickle and Yanny which I was present for. That's the
5 specific part that I recall.

6 And the rest of it from Van Sickle I got
7 from a declaration of his which I saw at that time.
8 And the declaration, my recollection, concerned Quinn
9 and Drescher.

10 Q. This is not a conversation you had with
11 Van Sickle you are about to tell me?

12 A. Right.

13 MR. ELSTEAD: He's only asking you about
14 conversations with Mr. Van Sickle.

15 MR. MOXON: Q. Did Frank Gerbode ever
16 pay you any money to assist in this litigation?

17 A. Frank Gerbode?

18 Q. Yes.

19 A. No.

20 Q. Have you ever been in Mr. Gerbode's
21 employ?

22 A. No.

23 Q. Has he ever given you any money?

24 A. No.

25 Q. How about your counsel?

1 A. No.

2 Q. Do you know if he's given any money to
3 Yanny?

4 A. No.

5 Q. Do you know if Yanny asked him?

6 A. No.

7 Q. Do you know if he's given Corydon any
8 money?

9 A. No.

10 Q. Did you ever discuss that issue with
11 Yanny?

12 A. No.

13 Q. Has Yanny asked you to communicate with
14 Mr. Fagelbaum?

15 A. I don't think so.

16 Q. Have you ever had any communication with
17 Yanny about Fagelbaum?

18 A. I don't believe so.

19 Q. Have you ever had any communication with
20 Yanny about David Mayo?

21 A. I have no recollection of such a
22 communication, but if there was I would consider it
23 privileged.

24 Q. Why?

25 A. Because his discussions of his concerns

1 or that sort of thing I consider privileged.

2 Q. Did Mr. Yanny express to you any concerns
3 about problems he was having with the IRS?

4 A. No.

5 Q. Did Mr. Yanny ever discuss with you the
6 fact that he was going to provide information to the
7 IRS?

8 MR. WYNNE: Objection. Asked and
9 answered at some length this morning. Are you talking
10 about aside from the things he's already testified to?

11 MR. MOXON: Q. You can answer.

12 A. No such information that I know of.

13 Q. Do you know if Yanny and the Aznarans had
14 a fee arrangement at the time he was representing them
15 in July?

16 A. I have no knowledge of that.

17 Q. On page 2 of your declaration you state,
18 "Yanny also expressed during this conversation some
19 personal concerns."

20 What personal concerns did he express to
21 you?

22 A. Those ones which will remain private and
23 confidential.

24 Q. What were they?

25 A. They are private and confidential.

1 Q. What were they? You refuse to answer?

2 A. I answered.

3 Q. That's not an answer. You answer or
4 refuse to answer. Tell me what they were or refuse to
5 answer.

6 A. They were private and confidential.

7 Q. Tell me what they were or refuse to tell
8 me what they were so we can move on.

9 A. I will not tell you what they were.

10 Q. Did Yanny ever tell you when he started
11 representing the Aznarans?

12 A. I have no recollection.

13 Q. Do you know when he started representing
14 him?

15 A. I have a rough understanding.

16 Q. When?

17 MR. ELSTEAD: Mr. Armstrong, he asked you
18 if Yanny told you. He did not ask you about your
19 understanding. Listen to his question.

20 THE WITNESS: He said, "do you know."

21 MR. ELSTEAD: And I misunderstood. I
22 took that as a follow-up to his question, asking your
23 understanding based on what he said.

24 THE WITNESS: He asked for my
25 understanding at this point based on what I knew.

1 MR. ELSTEAD: If you want to answer on
2 that basis.

3 THE WITNESS: My understanding is that it
4 was in early July this year.

5 MR. ELSTEAD: What?

6 THE WITNESS: Early July.

7 MR. MOXON: Q. What's the basis of that
8 understanding?

9 A. From when I first learned of his becoming
10 involved and from my subsequent reading of documents
11 related to that issue.

12 Q. Now, were you ever employed by Yanny?

13 MR. WYNNE: Objection. Asked and
14 answered.

15 THE WITNESS: Not formally.

16 MR. MOXON: Q. So you were never an
17 employee of his firm; is that correct?

18 A. Correct.

19 Q. Were you in the office at any time when
20 Yanny was speaking to Aznaran? That's at Yanny's
21 office.

22 A. Yes.

23 Q. Was that July 15 or 16, that time period?

24 A. Yes.

25 Q. Tell me what they said.

1 MR. WYNNE: Objection. That question
2 goes to attorney/client communication and I will
3 instruct Mr. Armstrong not to answer the question.

4 MR. MOXON: Q. You don't represent the
5 Aznarans, do you, as an attorney?

6 A. No.

7 Q. Okay. Please, answer the question.

8 MR. WYNNE: Mr. Armstrong, don't answer
9 the question to the extent you were present in the
10 office during communication between an attorney and
11 client.

12 And, Mr. Moxon, if you wish to make a
13 motion to test whether that is privileged
14 communication, feel free to.

15 MR. MOXON: Q. Can I have an answer or
16 refusal, please?

17 A. Yeah. I won't answer at this time.

18 Q. Did Yanny ask you to do anything for him
19 other than to put together this declaration on the
20 15th, July 15th and 16th?

21 A. What he asked me to do beyond that I
22 consider has to do with our priest/penitent
23 relationship and I won't answer.

24 Q. What else did Yanny ask you to do with
25 respect to the Aznaran lawsuit?

1 A. Nothing.

2 Q. Nothing whatsoever?

3 A. Nothing.

4 Q. He asked you to come down and help and he
5 didn't ask you to do anything?

6 MR. WYNNE: Objection. Misstates his
7 testimony. He said that he drafted two declarations.
8 He said there were certain areas he won't testify
9 about.

10 MR. MOXON: Q. I'm trying to get this
11 very clear. The two declarations is the only thing
12 you did on behalf of the Aznarans, that lawsuit for
13 Yanny?

14 A. Yes.

15 Q. Nothing else?

16 A. Nothing else.

17 Q. Tell me about your communication about --
18 the communication with Yanny and the Aznarans that you
19 overheard.

20 MR. WYNNE: Objection. Goes to
21 attorney/client communication. If you want to test
22 whether the privilege applies to those communications
23 feel free, but I'm instructing Mr. Armstrong as a
24 person present in Mr. Yanny's office, and I believe
25 reasonably necessary to what was going on at that

1 time, not to testify about those communications.

2 MR. MOXON: Q. By the way, are you
3 following that advice?

4 A. It's fine.

5 Q. Are you refusing to answer?

6 A. Sure.

7 Q. That's a "yes"?

8 A. Yes.

9 Q. Did Yanny and the Aznarans discuss
10 anything in your presence other than what should go
11 into your declaration?

12 MR. WYNNE: Objection. Same objection.
13 Same instruction. Don't answer the question.

14 THE WITNESS: Okay.

15 MR. MOXON: Q. Do you refuse to answer?

16 A. Yes.

17 Q. How many conversations -- by the way, let
18 me strike that.

19 Were the Aznarans physically present in
20 Yanny's office on the 15th and 16th of July?

21 A. No.

22 Q. Were either of them present during that
23 time period?

24 A. No.

25 Q. You were present in a phone conversation

1 with Yanny and the Aznarans?

2 A. Correct.

3 Q. On a speaker phone?

4 A. No.

5 Q. You were plugged in? You had an actual
6 phone of your own?

7 A. No.

8 Q. How did you hear the conversation?

9 A. I didn't hear it.

10 Q. You told me you were present during a
11 conversation. You were standing in a room and
12 couldn't hear what anybody was saying?

13 A. I heard what Mr. Yanny was saying. I
14 have no recollection of it.

15 Q. You couldn't hear what the Aznarans were
16 saying?

17 A. No.

18 Q. Just one conversation?

19 A. Yes.

20 Q. How long was it?

21 A. My recollection is brief.

22 Q. What did Yanny tell you about the Aznaran
23 case during the 15th and 16th of July? I want to know
24 everything he said to you about the Aznaran case.

25 Let me strike that and give you another

1 question more specific.

2 How many days were you in Los Angeles in
3 the middle of July?

4 A. I believe four.

5 Q. Did you spend all four of those days in
6 Yanny's home? Did you stay there?

7 A. Yes.

8 Q. How many of those four days were you in
9 Yanny's office?

10 A. Two.

11 Q. Where were the other two days?

12 A. I generally hung around his residence.

13 Q. Does anyone live there other than Yanny?

14 A. Yanny's wife.

15 Q. When you were in the office you were
16 working on your declaration during those two days?

17 A. That was the only work that I did in his
18 office.

19 Q. How long did it take you to do the
20 declarations?

21 A. Maybe all total a couple hours.

22 Q. How many hours were you in his office
23 those two days?

24 A. Maybe all total six or seven hours.

25 Q. Did Yanny edit the declarations?

1 A. I don't have any recollection of him
2 editing them.

3 Q. Did you show him drafts?

4 A. I may have -- I don't recall. I just
5 don't recall if I showed drafts or if I gave them to a
6 secretary to type and then he looked at them.

7 Q. You testified you don't know whether or
8 not he made any changes.

9 A. I don't.

10 Q. By the way, Baker told you she wanted to
11 talk about Scientology, didn't she, when you talked to
12 her last month?

13 A. Right.

14 Q. Did she tell you what about?

15 A. No.

16 Q. Just Scientology?

17 A. Right.

18 Q. Nothing else? Did she just say, "I want
19 to talk to you about Scientology"?

20 A. No. She gave me phone numbers. See, I
21 thought it was a Scientology operation so I questioned
22 her to find out -- to establish whether or not she was
23 legitimate. And that was mainly what our conversation
24 concerned.

25 Q. What did she say?

1 A. She gave me numbers to check out and she
2 gave me a couple of phone numbers to call. And she
3 gave me perhaps the name of a couple of -- I'm not
4 sure if they were Justice Department or Treasury
5 Department lawyers.

6 Q. Who were they?

7 A. I don't recall.

8 Q. Gordon Gidlund?

9 A. I just don't recall what names.

10 Q. Did you write them down?

11 A. I may have, but I don't even know -- I
12 haven't been -- I haven't had anything to do with that
13 ever since.

14 Q. Did you call the numbers?

15 A. No.

16 Q. So she told you the names and you don't
17 know if you bothered to write them down. Is that what
18 you are saying?

19 MR. ELSTEAD: Objection. Argumentative.
20 Asked and answered.

21 THE WITNESS: Even if I did write them
22 down I don't believe I have them presently. So I have
23 no recollection of who they were or even the numbers.
24 But it sounded, if she gave me these things, she
25 sounded legitimate. That was sufficient to put my

1 mind at ease.

2 MR. MOXON: Q. Did you or didn't you?

3 A. I may have.

4 MR. ELSTEAD: Do you recall whether you
5 wrote them down or not?

6 THE WITNESS: I don't recall. It was in
7 the context of --

8 MR. ELSTEAD: That's enough. You
9 answered the question. Mr. Armstrong, that's
10 sufficient. You don't recall.

11 MR. MOXON: Q. Did you make notes of any
12 other part of the conversation you had with her?

13 A. I don't believe so.

14 Q. Did you call her back?

15 A. My recollection now is that she called
16 and left a message on my answering machine. And I did
17 follow that up by calling her back. And it was in the
18 conversation when I called her back that we talked
19 about this matter.

20 Q. She gave you the numbers to call. Did
21 you call those numbers?

22 A. No.

23 Q. So you quizzed her and you were
24 satisfied?

25 A. Yes.

1 Q. What did she say she wanted to talk to
2 you about?

3 A. She did not say.

4 Q. What did she say? She said, "I just want
5 to talk to you," and didn't say anything else about
6 the subject?

7 A. That's basically it.

8 Q. How did you know it was about
9 Scientology?

10 A. I knew from her conversation that it was
11 about Scientology. But what about Scientology, I
12 don't know.

13 Q. What did she say?

14 A. That's what she said. I asked her a
15 couple of questions to determine whether or not it was
16 an operation.

17 Q. What did she say exactly? What did she
18 say to you? Did she say it was about Scientology?

19 A. She may have used that word because I --

20 MR. ELSTEAD: Mr. Armstrong, do you
21 recall what she said?

22 THE WITNESS: No.

23 MR. ELSTEAD: Okay. Then that's your
24 answer.

25 MR. MOXON: Q. You knew somehow that it

1 was about Scientology?

2 A. Yes.

3 Q. You don't remember her ever using the
4 word "Scientology" though?

5 A. I don't recall that word.

6 Q. Did she say what she was doing?

7 A. No.

8 Q. Did you tape the phone call?

9 A. No.

10 Q. Was she supposed to call you back then or
11 what?

12 A. I don't know what's going to happen now.

13 Q. What did she say was going to happen?

14 A. She wanted to meet with me.

15 Q. Did you make any tentative arrangements
16 to do that?

17 A. No.

18 Q. Do you have any attorney representing you
19 for any literary matters other than Joseph Yanny?

20 A. Yes.

21 Q. Who is that?

22 A. I don't wish to provide that information
23 at this time.

24 Q. You refuse?

25 A. Yes.

1 Q. When you talked to Joe Yanny about
2 copyright matters; is that correct?

3 A. Yes.

4 Q. But you never talked to him about
5 copyrighting the two books you had written about
6 Scientology, right? Is that your testimony?

7 A. Correct.

8 Q. Have you written any other books other
9 than the books about Scientology?

10 A. Yes.

11 Q. How many?

12 A. Three complete ones.

13 Q. Why didn't you talk to Joe about
14 copyrighting your Scientology books?

15 A. I don't know.

16 Q. No reason whatsoever?

17 MR. WYNNE: Objection. Misstates his
18 testimony. He just said he doesn't know.

19 MR. MOXON: Q. Does that refresh your
20 recollection that you actually did talk to him about
21 the Scientology books?

22 MR. ELSTEAD: Does what refresh your
23 recollection?

24 THE WITNESS: I provided him with one of
25 my Scientology books.

1 MR. ELSTEAD: Does what refresh your
2 recollection? What's the book?

3 MR. MOXON: His testimony --

4 MR. ELSTEAD: His whole testimony today,
5 is that what you are referring to?

6 MR. MOXON: Q. Did you talk to Yanny
7 about copyrighting the Scientology book that you
8 provided to him?

9 A. No.

10 Q. Did you talk to him about any of the
11 legal aspects of the Scientology book that you
12 provided to him?

13 A. No.

14 Q. Have you attempted to copyright it?

15 A. No.

16 Q. Have you talked to anyone else in Yanny's
17 office about copyrighting that book?

18 A. No.

19 Q. You've never talked to him about it
20 since, about the book generally?

21 MR. WYNNE: Asked and answered.

22 THE WITNESS: I just want to check this
23 declaration because it may be referred to in here.

24 MR. MOXON: Q. Just give me your answer.

25 MR. ELSTEAD: You may look through the

1 declaration if you would like to.

2 THE WITNESS: Yeah. Here it is. My
3 declaration of December 25, 1990. I provided that in
4 here. And so to that extent we have certainly
5 communicated about it. I've communicated about it
6 right here.

7 MR. MOXON: Q. So if it's in your
8 declaration you'll tell me about it. I don't
9 understand.

10 A. It says here. This is one of the books,
11 is my declaration of December 25, 1990, Defendant's
12 Appendix.

13 Q. So you recall now that you did in fact
14 talk to Yanny about that book after you gave it to
15 him; is that right? Is that what you are testifying?

16 A. I just told you.

17 Q. "Yes" or "no"?

18 A. That's yes. It's written right here in a
19 declaration which I provided to Mr. Yanny in July of
20 this year. And he had it. He possesses the book.

21 Q. So does reading your declaration now
22 refresh your recollection that you in fact talked to
23 Yanny about the book?

24 A. I'm not sure that you understand. This
25 is what I said. This is the book. The December 25,

1 1990 declaration is the book. Mr. Yanny has it. I
2 refer to it right here and I refer the court in fact
3 to that declaration.

4 Q. Are you saying this declaration is the
5 book? This is the book?

6 A. No. This declaration contains -- I'll
7 read it for you. Number 5, "I refer this court to my
8 declaration of March 15th, 1990 and December 25, 1990,
9 and the exhibits thereto."

10 Q. I can read it.

11 A. The December 25, 1990 declaration and the
12 exhibits thereto is one of the Scientology books. I
13 provided that declaration to Mr. Yanny.

14 Q. I see. That's what you are calling a
15 book?

16 A. Right.

17 Q. Are the other books that you made
18 reference to also declarations?

19 A. The Scientology books that I made
20 reference to?

21 Q. Yes.

22 A. Yes. Both of them. One's the March 15th
23 and one's the December 25, 1990 declaration.

24 Q. Are the other three books that you made
25 reference to also declarations?

1 A. No.

2 Q. What are they?

3 A. Those are other matters which do not
4 relate to this matter and are not Scientology books.

5 Q. What literary matters is Yanny
6 representing you on?

7 MR. WYNNE: Objection. That's
8 attorney/client privileged information. On behalf of
9 Mr. Yanny, I am instructing you not to answer that
10 question. I think that's about the fourth time you've
11 done that with that question, Counsel.

12 Shall we adjourn now if that's all you've
13 got to ask? Let's go. You've asked it four times.
14 You've had the same response each time. We can go
15 home now. You must be finished.

16 MR. MOXON: Can I have an answer, please?

17 MR. WYNNE: Don't answer the question,
18 Mr. Armstrong.

19 MR. MOXON: Q. Are you following,
20 Mr. Wynne's instruction?

21 A. Yes.

22 Q. In your telephone call with Mr. Yanny
23 last week concerning the IRS summons, did he tell you
24 that he was going to comply with the summons and meet
25 with the IRS?

1 MR. WYNNE: Objection. Misstates his
2 testimony. I don't believe that he said that he had a
3 telephone conversation last week.

4 MR. MOXON: Q. That's the question.

5 A. I have no recollection.

6 Q. Do you recall the phone call you had with
7 Mr. Yanny last week about the summons; is that
8 correct?

9 MR. WYNNE: Objection. Misstates his
10 testimony.

11 MR. MOXON: Q. "Yes" or "no"?

12 A. I recall the conversation.

13 Q. What day was that?

14 A. I don't know.

15 Q. What's your best recollection?

16 A. I'm not sure. It was fairly recent but I
17 just don't know the date.

18 Q. Last few days, right?

19 A. I don't believe it was this week.

20 Q. It was last week?

21 A. It may have been last week.

22 Q. Did Yanny tell you that the IRS wants you
23 to comply with the summons?

24 A. I don't believe he stated that to me.

25 Q. Do you recall how you learned about the

1 summons?

2 A. No, not beyond what I told you earlier.

3 Q. All you told me earlier was that you
4 called Yanny and confirmed that he had in fact gotten
5 an IRS summons?

6 A. Where exactly I heard it from prior to
7 that I just don't know.

8 Q. How soon prior to calling Yanny had you
9 heard about that summons?

10 A. Fairly soon.

11 Q. Who had you talked to prior to that?

12 A. I do not recall from whom that
13 information came.

14 Q. Had you talked to Toby Plevin just
15 shortly before you called Yanny?

16 A. I don't recall.

17 Q. Have you talked to Toby Plevin about the
18 summons?

19 MR. WYNNE: Asked and answered. Do you
20 have any new matters you want to go into? You asked
21 him all these questions already today.

22 MR. MOXON: Q. Please, answer the
23 question.

24 A. I do not know from whom I learned that.

25 Q. You understand my question is, did you

1 talked to Toby Plevin about the summons?

2 A. I have no recollection of that.

3 Q. Did you talk to Bent Corydon about the
4 summons, IRS summons?

5 A. No.

6 Q. Did you speak to Gerald Fagelbaum about
7 the summons?

8 A. No.

9 Q. Have you spoken to Gerald Fagelbaum ever
10 about Joe Yanny?

11 A. No.

12 Q. Have you ever spoken David Mayo about Joe
13 Yanny?

14 A. No.

15 Q. Have you spoken to Frank Gerbode about
16 Joe Yanny?

17 A. No.

18 Q. Do you have your declaration of July 16?

19 A. No.

20 MR. MOXON: Mark this Exhibit 3.

21 Declaration of Gerald Armstrong July 16, 1991.

22 (Whereupon, Plaintiff's
23 Exhibit 3 was marked
24 for identification.)

25 THE WITNESS: Okay.

1 MR. MOXON: Q. Mr. Armstrong, are you
2 currently writing a book about Scientology?

3 A. Yes.

4 Q. Is it a declaration like the one you
5 described earlier that you characterized as a book?

6 A. Right.

7 Q. How long do you intend the book to be?

8 MR. ELSTEAD: Mr. Armstrong, I'll advise
9 you you are not required to answer these kind of
10 questions.

11 You have rights. This has nothing to do
12 with this particular deposition or the case that has
13 been noticed and subpoenaed. You have certain rights
14 of privacy, copyright laws and others. If you choose,
15 you have good grounds not to answer about what you are
16 writing about.

17 MR. MOXON: Q. Answer, please.

18 A. What was your question?

19 Q. How long do you intend the book to be?

20 A. No. I don't know. I don't know.

21 Q. Have you consulted with Joe Yanny about
22 it?

23 A. No.

24 Q. What's the purpose of the declaration
25 book?

1 A. Justice.

2 Q. For who?

3 A. Everyone.

4 Q. Is this declaration book to be filed in a
5 lawsuit?

6 A. Yes.

7 MR. ELSTEAD: Let's take a short break.

8 (Recess.)

9 MR. MOXON: Q. What lawsuit are you
10 writing the declaration book for?

11 A. Armstrong.

12 Q. Some new lawsuit?

13 A. There's only one Armstrong lawsuit that I
14 know of.

15 Q. Are you talking about yourself?

16 A. Right.

17 Q. Did you talk to Joe about that
18 declaration?

19 A. No.

20 Q. Did he help you?

21 A. No.

22 Q. Did you give him a copy of what you've
23 done so far?

24 A. No.

25 Q. During the four days you stayed at

1 Yanny's house in July, was anyone else there besides
2 Yanny and his wife at any time?

3 A. Yes.

4 Q. Who?

5 A. My friend Loren, L-o-r-e-n, Phippeny
6 P-h-i-p-p-e-n-y.

7 Q. Anyone else?

8 A. No.

9 Q. During the time that you were at Yanny's
10 house, did you have any conversations with him that
11 you consider to be priest/penitent privilege?

12 A. Yes.

13 Q. Was Loren in there during any of these
14 conversations?

15 A. Yes.

16 Q. During the time that you were at Yanny's
17 house in July, did you have any conversations with him
18 you consider to be attorney/client privilege?

19 A. Yes.

20 Q. Was Loren present during any of those
21 conversations?

22 A. She may have been.

23 Q. She's not a lawyer, is she?

24 A. No.

25 Q. Tell me what conversations you had with

1 Joe while Loren was present?

2 A. I don't recall.

3 Q. Do you recall any conversations you had
4 with Joe during the four days you were at his house?

5 A. Not specifically.

6 Q. Not at all the whole four days?

7 A. Nothing comes to mind.

8 Q. Do you have any problem with selective
9 memory?

10 A. No.

11 Q. Do you have any memory problems
12 generally?

13 A. No.

14 Q. Do you usually remember what happens to
15 you, conversations you've had with people?

16 MR. ELSTEAD: Objection. Vague and
17 ambiguous.

18 MR. WYNNE: Vague as to time.

19 MR. MOXON: Q. Within the last year.

20 MR. ELSTEAD: Excuse me. Don't answer
21 until I hear the question. Repeat it again. I didn't
22 hear it. What was the question?

23 MR. MOXON: Q. Are you asking me?

24 MR. ELSTEAD: I didn't hear the question.
25 Repeat the question, please, or have the reporter read

1 it back.

2 MR. MOXON: I said, "Within the last
3 year."

4 MR. ELSTEAD: That's a question, "Within
5 the last year"?

6 MR. MOXON: Q. Answer the question.

7 MR. ELSTEAD: Don't answer the question,
8 Mr. Armstrong. That's not a question.

9 MR. MOXON: Q. Have you had any problems
10 with your memory within the last year?

11 A. No.

12 Q. How about today?

13 A. No.

14 Q. Do you usually remember what people say
15 to you during a day that same day? Do you usually
16 remember what people say to you?

17 MR. ELSTEAD: Objection. Vague and
18 ambiguous. Calls for speculation.

19 THE WITNESS: The question doesn't make
20 any sense.

21 MR. MOXON: Q. Did you ever have any
22 conversations today with Mr. Wynne?

23 A. Yes.

24 Q. You don't remember any of them, right?

25 A. No, I do.

1 Q. Tell me what conversations you've had
2 with him today.

3 A. I've told you already.

4 MR. WYNNE: The question has been asked
5 and answered. And to the extent there were any
6 discussions about matters he's represented by
7 Mr. Yanny which does not include anything to do with
8 Scientology I instruct him not to answer those
9 questions.

10 MR. MOXON: Q. How do you know you've
11 had privileged communications with Yanny during the
12 four days you stayed with him in July?

13 A. Because I know what my relationship with
14 him is.

15 Q. You don't remember any of the
16 conversations, you know they must have been privileged
17 because of your relationship?

18 MR. ELSTEAD: Objection. Misstates prior
19 testimony.

20 MR. WYNNE: Join in the objection.

21 MR. MOXON: Q. Is that right? Can you
22 answer?

23 A. I'm not sure that I understand your
24 question.

25 Q. By the way, have you told me anything

1 today that you don't now believe is entirely accurate?

2 A. I think one thing. And that was with
3 this declaration, that Mr. Yanny did some editing on
4 this declaration.

5 Q. You are holding in your hand the
6 declaration dated July 16?

7 A. Right.

8 Q. I say that because the use of the term
9 "Messrs." is not my term. I wrote down my
10 recollection of this thing and it's the other one, the
11 other declaration I handed directly to his secretary
12 who directly typed it up.

13 MR. ELSTEAD: His secretary?

14 THE WITNESS: Yanny's secretary. And
15 this one here I wrote down my recollection of the call
16 and then he edited this one. I didn't recall that
17 until I actually saw the document in front of me.

18 Q. Why did he edit it?

19 MR. ELSTEAD: Objection. Calls for
20 speculation.

21 MR. WYNNE: Join.

22 MR. MOXON: Q. Why did he edit it?

23 A. I don't know what he had in mind.
24 Obviously --

25 MR. ELSTEAD: You answered the question,

1 Mr. Armstrong.

2 MR. MOXON: Q. Obviously what?

3 A. To improve the language.

4 MR. ELSTEAD: You can't speak for
5 Mr. Yanny.

6 THE WITNESS: No, I can't.

7 MR. ELSTEAD: Don't speculate.

8 MR. MOXON: Q. After Yanny edited it did
9 he give it back to you to sign?

10 A. I did sign it. I did not sign it before
11 it was edited.

12 Q. After Yanny edited it did he give it to
13 you to sign?

14 A. Yes.

15 Q. Did Yanny tell you that he could help you
16 in your future litigation if you helped him with his
17 litigation now?

18 A. No.

19 Q. Did Yanny ever suggest to you that he
20 could help you in your litigation?

21 A. No.

22 Q. Not even a suggestion?

23 A. No.

24 Q. Was there anything else that you've told
25 me today that's not entirely accurate?

1 A. No.

2 Q. Anything that's completely inaccurate?

3 A. No.

4 Q. In paragraph 2 of your declaration of
5 July 16 you alleged the contents of a telephone call
6 which is placed on a speaker phone.

7 A. Right.

8 Q. Why were you present during that
9 conversation?

10 MR. WYNNE: Objection. Calls for
11 speculation.

12 THE WITNESS: I spent some time on that
13 day in Mr. Yanny's office.

14 MR. MOXON: Q. Does he only have a
15 one-room office?

16 MR. WYNNE: Objection. Vague and
17 ambiguous.

18 MR. ELSTEAD: Argumentative as well.

19 THE WITNESS: He has an office within a
20 complex of offices.

21 MR. MOXON: Q. His personal office is
22 just one room in that complex?

23 A. Right.

24 Q. So anything that happened in the office
25 you were privy to because you were there in his

1 office?

2 MR. ELSTEAD: Objection. Argumentative.

3 MR. WYNNE: Vague and ambiguous. Calls
4 for speculation.

5 THE WITNESS: So when I was there, when I
6 was present in his office, it could be said that I was
7 privy to what happened in his office. I was not privy
8 to what happened while I was not there.

9 MR. MOXON: Q. Are there any other
10 members of Yanny's firm other than himself? Is he a
11 sole practitioner?

12 MR. ELSTEAD: If you know.

13 THE WITNESS: I met other lawyers in the
14 office. I don't know what their relationship is.

15 MR. MOXON: Q. Did Yanny have his own
16 secretary?

17 A. Yes.

18 Q. Does she have her own office?

19 A. I don't understand what you mean by that
20 question.

21 Q. Was she in the same room with Yanny or
22 did she have her own office?

23 A. She was not in the same room as Yanny.

24 Q. Is she out in the hallway or something?

25 A. She was in a space in which there were

1 other people working.

2 Q. Did you hear any other calls in Yanny's
3 office where you were in other than the one that
4 related in this declaration and the phone conversation
5 with the Aznarans?

6 A. Yes, sir.

7 Q. With whom?

8 A. I don't recall.

9 Q. You don't recall a single other call?

10 MR. WYNNE: Objection. And I will
11 instruct the witness not to answer that question on
12 behalf of Mr. Yanny and attorney/client privilege as
13 to any person he may have spoken to on the telephone.

14 MR. MOXON: Q. Answer, please.

15 MR. WYNNE: Don't answer the question,
16 Mr. Armstrong.

17 MR. ELSTEAD: I recommend you assert the
18 right of privacy as well.

19 MR. MOXON: Q. Can I have an answer,
20 please?

21 MR. ELSTEAD: Mr. Wynne.

22 MR. WYNNE: I would add to that right of
23 privacy as to any third parties who these
24 conversations might have been with. And on behalf of
25 Mr. Yanny whose office you were in, I instruct you not

1 to answer the question.

2 MR. MOXON: Q. Answer.

3 A. I agree with that.

4 Q. Answer.

5 A. No.

6 Q. Did you ever hear any conversations
7 between Mr. Yanny and Toby Plevin?

8 A. I don't recall.

9 Q. Have you ever been in a conversation with
10 Yanny and Plevin at the same time?

11 A. Yes.

12 Q. When?

13 A. Driving to and from the oral argument in
14 the Armstrong appeal.

15 Q. You drove with him, Yanny drove with you?

16 A. Yes.

17 Q. Did you tell Yanny what your argument was
18 going to be?

19 A. No.

20 Q. Was there any discussion in the car about
21 your argument?

22 A. No.

23 Q. About your case at all?

24 A. I don't recall, but I believe no.

25 Q. You drove up to the Court of Appeals with

1 Yanny and neither way, going or coming back, did you
2 even mention your case that you are going to argue?

3 MR. ELSTEAD: Objection. Asked and
4 answered. Argumentative.

5 MR. MOXON: Q. Is that right?

6 MR. ELSTEAD: Same objection.

7 THE WITNESS: Correct.

8 MR. MOXON: Q. During the conversation
9 you set forth in your declaration of July 16 about the
10 settlement of the Corydon litigation, did
11 Mr. Yanny give you any view to as to his opinion on
12 settlement?

13 MR. ELSTEAD: Objection. Vague and
14 ambiguous. Calls for speculation.

15 THE WITNESS: Of the Corydon settlement,
16 is that what we're talking about?

17 MR. MOXON: Q. That's what it appears
18 you are talking about in the declaration, yes.

19 A. I have no recollection of an opinion one
20 way or another.

21 Q. Did you write this declaration from
22 memory?

23 A. I wrote it right at the time that the
24 incident happened.

25 Q. Did you take notes during the

1 conversation?

2 A. I may have.

3 Q. Do you still have them?

4 A. No.

5 Q. Yanny was engaged in a discussion with
6 Mr. Van Sickle about the Corydon settlement; is that
7 correct?

8 MR. ELSTEAD: Objection. Vague as to
9 time. Compound. Argumentative.

10 THE WITNESS: The conversation concerned
11 these facts and did not get into a content of the
12 Corydon settlement.

13 MR. MOXON: Q. Your declaration talks
14 about -- says that they were discussing the Corydon
15 settlement. Is that true or is it false? Were they
16 or were they not discussing that?

17 MR. WYNNE: The document speaks for
18 itself. Do you want to quote a line where it says
19 that?

20 MR. MOXON: Q. Which is it?

21 A. I think you misunderstood what I said.

22 Q. I'm reading your declaration,
23 Mr. Armstrong. Did Mr. Yanny take part in this
24 discussion that you set forth in this declaration as
25 to the Corydon settlement?

1 A. That wasn't the question which you
2 originally asked. Mr. Yanny took part in this
3 conversation with Mr. Van Sickle as I set out.
4 Mr. Yanny said nothing that I recall regarding his
5 opinion of the Corydon settlement or no settlement.

6 Q. So he didn't engage in the conversation
7 at all? He just sat there while Barry Van Sickle
8 talked to him about the settlement?

9 MR. ELSTEAD: Objection. Compound.
10 Argumentative. Asked and answered.

11 MR. WYNNE: And misstates his testimony.
12 Mr. Armstrong testified the contents of the settlement
13 were not discussed. What's discussed is what was set
14 forth in the declaration.

15 MR. MOXON: Q. The answer?

16 A. Right. That is correct.

17 Q. This really wasn't a conversation. It
18 was Van Sickle reporting something to Yanny. Yanny
19 sat there and listened to it and eventually you hung
20 up?

21 MR. ELSTEAD: Objection. Argumentative.
22 Asked and answered. Compound.

23 MR. WYNNE: Join.

24 THE WITNESS: It's a conversation.

25 MR. MOXON: Q. What did Yanny say? You

1 have a whole bunch of things about what other people
2 said.

3 A. Right.

4 Q. And Yanny took part in this conversation,
5 right?

6 A. Right.

7 Q. I'm sure Yanny doesn't sit still. He
8 engages in conversation, right?

9 MR. ELSTEAD: Objection. Compound.

10 MR. MOXON: Nodding his head yes.

11 Q. What did Joe say in this conversation?

12 A. I think he acknowledged what Barry was
13 saying. Barry was relaying what took place in this
14 particular conversation out of a period of time in
15 which settlement negotiations were going on. This is
16 the part of the conversation which I was there for.
17 And I was there for this conversation, but I did not
18 hear beyond that.

19 Q. You weren't there for the whole phone
20 call?

21 A. I was there for that phone call but not
22 beyond that regarding what was going on in the Corydon
23 settlement.

24 Q. I'm asking you what Yanny said.
25 Basically he didn't really say anything. Van Sickle

1 was telling all this information and Yanny sat there
2 and said nothing?

3 MR. ELSTEAD: Objection. Argumentative.
4 Compound. Misstates the witness' testimony. Don't
5 answer the question, Mr. Armstrong.

6 MR. MOXON: That's the basic flow.
7 That's what you want to have in this declaration?

8 MR. ELSTEAD: Don't answer the question,
9 Mr. Armstrong.

10 MR. MOXON: Q. Is that true or not?

11 MR. ELSTEAD: Don't answer the question.

12 MR. MOXON: Q. Do you refuse to answer?

13 MR. ELSTEAD: He's not going to answer.

14 MR. MOXON: Are you instructing him?

15 MR. ELSTEAD: You've heard me.

16 MR. MOXON: I didn't hear you. Are you
17 instructing him not to answer?

18 MR. ELSTEAD: Do you have a question? Do
19 you have another question?

20 MR. MOXON: Are you instructing him not
21 to answer?

22 MR. ELSTEAD: I've said all I'm going to
23 say.

24 MR. MOXON: Give me an answer.

25 MR. ELSTEAD: You have ten seconds to ask

1 another question or we're going to leave.

2 MR. MOXON: Knock it off.

3 MR. ELSTEAD: That's exactly what I'm
4 intending to do. If you have another question to ask
5 him go ahead.

6 MR. MOXON: I'm trying to have a clear
7 record here, if you don't mind.

8 MR. ELSTEAD: I think the record is quite
9 clear. You heard me tell him what I told him three
10 times.

11 MR. MOXON: Q. What fee arrangement did
12 you discuss with Yanny with respect to your literary
13 work that he was going to be advising you with?

14 MR. WYNNE: Objection. Asked and
15 answered.

16 THE WITNESS: Regarding the subject of
17 fees with regards to my literary works, in which we
18 have a basic agreement that should our attorney/client
19 relationship grow into significant work for Mr. Yanny
20 to do for me then the subject of fees will be
21 negotiated.

22 MR. MOXON: Q. Did you ever have a
23 discussion with Mr. Yanny whereby you discussed that
24 your communications can be shielded through certain
25 privileges?

1 MR. WYNNE: Objection. That certainly
2 sounds like attorney/client communication to me. I'll
3 instruct him not to answer.

4 MR. MOXON: Q. Answer, please.

5 MR. WYNNE: Mr. Armstrong, don't answer
6 the question. He's asked you, the way I understand
7 the question, he's asking you whether your attorney
8 ever told you that communication with your attorney
9 would be privileged. That's I believe what the
10 question is. I instruct you not to answer the
11 question on behalf of Mr. Yanny.

12 MR. MOXON: Q. Are you refusing to
13 answer?

14 A. Right.

15 Q. Did you ever have a discussion with
16 Mr. Yanny whereby you discussed the need to shield
17 communications which were improper and you could
18 shield them through the assertion of a attorney/client
19 privilege?

20 MR. WYNNE: Objection. Compound.
21 Assumes facts not in evidence. Argumentative. And to
22 the extent there's any legitimate question in there it
23 obviously intrudes into the attorney/client
24 communication. I would instruct him not to answer.

25 MR. MOXON: Q. Answer.

1 A. No.

2 Q. Did Yanny give you \$500 when you came
3 down in July to Los Angeles?

4 A. Yes.

5 Q. How much did the bus fare cost?

6 A. I believe something like \$60.

7 Q. Did you give him the change?

8 A. No.

9 Q. He let you keep the change; is that
10 right?

11 A. I took no money from Mr. Yanny.

12 Q. Can you answer my question?

13 A. I took no money from Mr. Yanny. There
14 was no change.

15 Q. You just told me he gave you \$500?

16 A. It was for purchase of stock. I was not
17 paid anything for my services or for my travel or my
18 time.

19 Q. The stock in the Gerald Armstrong
20 Corporation?

21 A. Yes.

22 Q. Is that a registered corporation?

23 A. Yes.

24 Q. In the State of California?

25 A. Yes.

1 Q. How many shares of stock does it have?

2 MR. WYNNE: At this point I'm going to
3 instruct Mr. Armstrong not to testify into this area.
4 This is a question of Mr. Yanny's rights of privacy.
5 It has to do with his financial condition and until
6 you make a showing under the evidence --

7 MR. MOXON: That's the most ridiculous
8 objection I've heard in my life.

9 MR. MOXON: Q. Is this a public
10 corporation?

11 MR. WYNNE: On behalf of Mr. Yanny, I
12 will instruct you not to answer any questions
13 concerning his personal finances. You want to get a
14 court order, or you establish a prima facia case, you
15 established punitive damages into this case, then we
16 can proceed that line of questions.

17 MR. MOXON: Q. Are you following
18 Mr. Wynne's instruction on behalf of Mr. Yanny not to
19 tell me whether or not -- not to tell me how many
20 shares of stock the Gerald Armstrong Corporation has?

21 A. Right. I don't see how that relates at
22 all to this matter.

23 Q. All right. You refuse to answer?

24 A. Right.

25 Q. What does the Gerald Armstrong

1 Corporation do? What does it produce?

2 A. Philosophic services.

3 Q. Does it produce anything in written form?

4 A. Yes.

5 Q. Did you give Mr. Yanny something -- has
6 Gerald Armstrong Corporation ever sold any philosophic
7 services?

8 A. Yes.

9 Q. To whom?

10 A. I don't want to get into what the Gerald
11 Armstrong Corporation does. It's unrelated to Joseph
12 Yanny's litigation.

13 Q. How many shares did Yanny purchase?

14 MR. WYNNE: Objection. That goes into
15 Mr. Yanny's personal finances. That is not relevant
16 to this litigation.

17 MR. MOXON: The question is, how many
18 shares does \$500 buy. That's the question.

19 MR. WYNNE: Don't answer the question.
20 It's also not reasonably calculated to lead to the
21 discovery of admissible evidence in this case.

22 MR. MOXON: Q. Are you following
23 Mr. Yanny's instructions not to answer given to you by
24 his attorney?

25 A. In addition I would say that that is a

1 private matter and it isn't the subject of this
2 litigation.

3 Q. This declaration was filed by Mr. Yanny
4 in this case about the Gerald Armstrong Corporation
5 which he allegedly gave you \$500.

6 A. That explains it fully.

7 Q. That makes it relevant so --

8 A. Not necessarily.

9 Q. It's irrelevant then?

10 A. Fine.

11 Q. Why did you put it in the declaration?

12 A. I thought it was appropriate.

13 Q. Relevant?

14 MR. ELSTEAD: Mr. Armstrong, you are not
15 required to answer those kinds of questions and advise
16 you not to.

17 MR. MOXON: Q. Does anyone else possess
18 any stock in this corporation?

19 A. Until it becomes relevant I do not wish
20 to discuss the private business of the Gerald
21 Armstrong Corporation or its shareholders.

22 Q. You say you own no stock in this
23 corporation. You put in this declaration. I'm trying
24 to cross examine on that. You came down here to
25 prepare for him.

1 A. Fine. Ask your questions.

2 Q. You own no stock in this corporation?

3 A. Correct.

4 Q. Who does? That's a matter of public
5 record. If it's a public corporation it's public
6 record. There's nothing private --

7 A. You made a leap in logic that's not
8 right.

9 Q. It's not a public corporation?

10 A. Correct.

11 Q. But you registered it with the State?

12 A. Correct.

13 MR. WYNNE: Counsel, privately held
14 corporations are registered with the State.

15 MR. MOXON: Q. Does the Gerald Armstrong
16 Corporation have anything to do with the provision of
17 spiritual counseling?

18 A. Broadly, yes.

19 Q. Now, if somebody buys stock in the Gerald
20 Armstrong Corporation that comes directly to you and
21 you get to keep that?

22 A. I get to keep what?

23 Q. The money that's used to purchase stock
24 in the Gerald Armstrong Corporation.

25 A. No. The corporation does.

1 Q. Does the corporation have its own bank
2 account?

3 A. Yes.

4 Q. And who's the signatory on the bank
5 account?

6 A. I am.

7 Q. Do you use the bank account for any
8 personal expenses?

9 A. No.

10 Q. What does the corporation use the bank
11 account for?

12 MR. ELSTEAD: I couldn't hear the
13 question.

14 MR. MOXON: Q. What does the corporation
15 use the bank account for?

16 A. Its business.

17 Q. Could you please explain to me what its
18 business actually is?

19 A. It provides philosophic services.

20 Q. To whom?

21 A. Those who request it.

22 Q. And sells them?

23 A. Yes.

24 Q. Has it actually sold any such services?

25 A. Yes.

1 Q. Has it sold any service --

2 MR. ELSTEAD: That's enough. Stop. Hold
3 it. If you want to ask this gentleman further
4 questions regarding the subject matter of the lawsuit
5 that's fine. I would advise him not to answer any
6 further questions about his business.

7 MR. MOXON: Q. The pending question was,
8 has the Gerald Armstrong Corporation sold any
9 philosophic services to Joe Yanny?

10 A. No.

11 Q. How about Frank Gerbode?

12 A. Who the Gerald Armstrong Corporation has
13 sold its services to beyond Joseph Yanny is not the
14 subject of this deposition or this litigation and it
15 is the private business of the Gerald Armstrong
16 Corporation. And it's not appropriate for discovery
17 in this deposition.

18 Q. You refuse to answer?

19 A. Yes.

20 Q. Well, if you don't own any stock in the
21 corporation who owns this corporation?

22 MR. ELSTEAD: I'll advise you not to
23 answer that question, Mr. Armstrong, on the grounds of
24 right of privacy.

25 THE WITNESS: And on those grounds I will

1 not answer.

2 MR. MOXON: Q. Did the Gerald Armstrong
3 Corporation pay for your visit to come down to assist
4 Yanny?

5 A. I believe so.

6 Q. Is that one of the philosophical
7 services, it provides declarations for civil
8 litigation?

9 A. No.

10 Q. What services did the Gerald Armstrong
11 Corporation provide for the money that it expended for
12 you to come down to give declarations?

13 A. I don't understand your question.

14 Q. Did Yanny hire the Gerald Armstrong
15 Corporation to come to Los Angeles to provide
16 declarations to him?

17 A. No.

18 Q. Why did the Gerald Armstrong Corporation
19 pay for you to come down?

20 A. Because I have a relationship with the
21 Gerald Armstrong Corporation.

22 Q. And it pays for what you request it to
23 pay for basically?

24 MR. ELSTEAD: Mr. Armstrong, I advise you
25 not to answer these questions.

1 MR. MOXON: Q. Answer, please.

2 A. Yes. I believe I've stated everything
3 that needs to be known about the Gerald Armstrong
4 Corporation for the purpose of this litigation.

5 Q. I don't understand.

6 A. Unless you have more specific questions
7 which relate to Yanny, I will assert the right of the
8 corporation's privacy.

9 Q. Does the corporation have any employees?

10 MR. ELSTEAD: I advise you not to answer
11 any further questions regarding the structure in
12 regard to the corporation.

13 THE WITNESS: Okay.

14 MR. MOXON: Q. Answer, please.

15 A. We have a stipulation.

16 Q. He advised you. He didn't instruct you.

17 A. Okay. No. I will not answer that.

18 Q. Did you give Yanny some stock in the
19 corporation or did anyone give him stock in the
20 corporation?

21 MR. WYNNE: Objection and instruct you
22 not to answer on Mr. Yanny's behalf. Again, that goes
23 to his personal finances which are not at issue in
24 this case.

25 THE WITNESS: I've told you what there is

1 to know about Mr. Yanny's purchase of stock.

2 MR. MOXON: Q. Did Mr. Yanny receive any
3 stock?

4 MR. WYNNE: Same objection. Same
5 Instruction.

6 THE WITNESS: Same.

7 MR. MOXON: Q. You refuse to answer?

8 A. Right.

9 Q. Who paid for your expenses while you were
10 working in Yanny's office during July?

11 A. What expenses are you referring to?

12 Q. You ate, I assume.

13 A. We have already covered that.

14 Q. Yanny fed you?

15 A. Certain of the meals were provided by
16 Mr. Yanny.

17 Q. How about the meals that were not
18 provided by Yanny, who paid for the meals?

19 A. I did.

20 Q. Using Gerald Armstrong Corporation funds?

21 A. No.

22 Q. Own personal funds?

23 A. Correct.

24 Q. You have access to the Gerald Armstrong
25 Corporation funds for your own personal use, correct?

1 MR. ELSTEAD: I'm advising you strongly
2 not to answer any further questions that he asks you
3 about your corporation unless it specifically pertains
4 to Joe Yanny.

5 MR. MOXON: He said no.

6 Q. During your conversation with Yanny
7 roughly last week concerning the IRS summons, did
8 Yanny mention that the IRS wanted to know about the
9 1981 corporate reorganization of the church?

10 A. I don't recall.

11 Q. Did he mention that Gaw wanted to know
12 about the transfer of one organization's funds to
13 other organization under dubious circumstances?

14 A. I don't recall that.

15 Q. You mentioned they wanted to know about
16 the MCCS tapes or the MCCS mission?

17 A. I just don't recall.

18 Q. Did Yanny ever talk to you about the
19 IRS's desire to look into the MCCS matter?

20 A. I don't recall him ever making any. I
21 don't know that we ever discussed that.

22 Q. Did you ever have any conversations with
23 Yanny about MCCS?

24 A. I don't recall one.

25 Q. What would refresh your recollection?

1 MR. WYNNE: Objection.

2 MR. ELSTEAD: Vague. Ambiguous. Calls
3 for speculation.

4 MR. WYNNE: Join.

5 MR. MOXON: Q. You remember
6 conversations with Toby Plevin about MCCS, don't you?

7 A. With Toby Plevin about MCCS?

8 MR. WYNNE: Objection. Assumes facts not
9 in evidence.

10 THE WITNESS: I don't recall a specific
11 conversation.

12 MR. MOXON: Q. But you recall generally
13 you had conversations with her about MCCS tapes, don't
14 you?

15 A. I recall when she obtained access and
16 maybe even possession of the MCCS tapes and that's it.

17 Q. Did you ever have any conversation with
18 Corydon regarding the MCCS tapes?

19 A. I don't recall.

20 Q. Did Corydon tell you why he wanted the
21 MCCS tapes?

22 A. I don't recall.

23 Q. Did you have any communications with
24 Yanny regarding the IRS's interest in a relationship
25 between CSC and other Churches of Scientology?

1 A. I don't recall.

2 Q. Baker told you that's what she's
3 primarily interested in, transfer of funds from CSC to
4 other Church's?

5 A. No. I have no recollection of her saying
6 that.

7 Q. Did you ever tape any conversations you
8 had with people?

9 MR. ELSTEAD: With who?

10 MR. MOXON: Q. People.

11 MR. ELSTEAD: I'd instruct you not to
12 answer that question, Mr. Armstrong.

13 THE WITNESS: Okay.

14 MR. MOXON: Q. Have you ever taped any
15 conversations you had with Joe Yanny?

16 MR. ELSTEAD: I instruct you not to
17 answer that question.

18 MR. MOXON: What basis?

19 MR. ELSTEAD: Attorney/client privilege
20 at the moment and right of privacy.

21 MR. MOXON: Whose right of privacy?

22 MR. ELSTEAD: The objection is made.

23 MR. MOXON: There's no such person.

24 Q. He gave a new objection. Do you still
25 want to refuse to answer?

1 A. What's your question?

2 MR. ELSTEAD: I instruct you not to
3 answer.

4 THE WITNESS: We'll stick with the
5 stipulation in that regard.

6 MR. MOXON: Q. Did you ever tape any
7 conversation you had with Barry Van Sickle?

8 MR. ELSTEAD: I instruct you not to
9 answer that question on the same basis.

10 MR. MOXON: Q. Are you able to tape
11 conversations on your phone answering machine?

12 MR. ELSTEAD: Instruct you not to answer
13 that question.

14 MR. MOXON: What basis?

15 MR. ELSTEAD: I'm instructing him not to
16 answer the question.

17 MR. MOXON: What basis?

18 MR. ELSTEAD: Next question.

19 MR. MOXON: Can't think of any.

20 MR. ELSTEAD: Next question.

21 MR. MOXON: Q. Answer the question.

22 MR. ELSTEAD: I'm instructing him not to
23 answer.

24 MR. MOXON: Q. Have you ever had any
25 communications with Yanny about taping telephone

1 conversations?

2 MR. ELSTEAD: Instruct you not to answer
3 that question, Mr. Armstrong.

4 MR. MOXON: What basis?

5 MR. ELSTEAD: Next question.

6 MR. MOXON: See, the trouble is I'm going
7 to have to file a motion to compel. I'd like to know
8 what the basis is.

9 MR. ELSTEAD: Same basis I gave before.

10 MR. MOXON: You didn't give any basis.

11 MR. ELSTEAD: Yes, I did.

12 MR. MOXON: Priest/penitent privilege?

13 MR. ELSTEAD: No, I don't think I ever
14 mentioned those terms in this deposition.

15 MR. MOXON: Fifth Amendment, is that it?
16 You don't want your client to give incriminating
17 evidence?

18 MR. ELSTEAD: The basis of the objection
19 was any questions dealing with issues regarding tape
20 recording.

21 MR. MOXON: Q. Did your counsel here
22 ever instruct you to tape record conversations and not
23 reveal it to anyone?

24 MR. ELSTEAD: Don't answer the question,
25 Mr. Armstrong.

1 MR. MOXON: Q. Has anyone advised you
2 that it's appropriate to give a response to a question
3 that you don't recall when you actually do?

4 MR. ELSTEAD: Instruct you not to answer
5 on the grounds of attorney/client privilege,
6 Mr. Armstrong.

7 MR. MOXON: Q. Has one of your attorneys
8 advised you that even though you know the answer to a
9 question you should state that you don't recall if
10 it's damaging?

11 MR. ELSTEAD: Instruct you not to answer
12 that on the grounds of attorney/client privilege.

13 MR. MOXON: Has Mr. Yanny ever advised
14 you that if you come across a difficult question
15 during a deposition you should simply say you don't
16 recall?

17 MR. WYNNE: Now I will instruct you not
18 to answer that since clearly that calls for
19 attorney/client conversation, assuming these twisted
20 facts exist, which I doubt they do, outside of
21 Mr. Moxon's vivid imagination.

22 MR. MOXON: Q. Answer, please.

23 MR. WYNNE: He's been instructed not to
24 answer.

25 MR. MOXON: Are you following Mr. Yanny's

1 instruction given through his --

2 MR. WYNNE: -- counsel.

3 THE WITNESS: I feel that I need to
4 answer that question.

5 MR. MOXON: Q. You are going to waive
6 your attorney/client privilege you feel you have
7 between you and Mr. Wynne?

8 A. No.

9 MR. ELSTEAD: Mr. Armstrong, I'm going to
10 recommend you abide by Mr. Wynne's counsel.

11 MR. MOXON: Is that an instruction?

12 MR. ELSTEAD: You heard what I said.

13 MR. MOXON: Q. Answer.

14 A. No. I'll stick with the stipulation.

15 Q. It's not a stipulation.

16 A. Instruction to not answer.

17 Q. You are not answering then, right?

18 A. Right.

19 Q. Did you ever receive any money from Al
20 Lipkin?

21 A. No.

22 Q. Did you ever receive any value of any
23 kind from Al Lipkin?

24 A. I went to lunch with him and I think they
25 picked up the tab, although I'm not sure of that right

1 now.

2 Q. Did Mr. Lipkin offer any forbearance on
3 any tax situation if you cooperated with the IRS?

4 A. No.

5 Q. When you were working in Yanny's office
6 was John Koresko also present at any time?

7 A. I was introduced to a male in his office
8 whose name I do not presently recall.

9 Q. You believe that was John Koresko?

10 A. That's the extent I can answer that
11 question.

12 Q. What did he do there?

13 A. I don't know.

14 Q. Did he work for Yanny?

15 A. I don't know, but I had that impression.

16 Q. Do you know if Yanny has any employees?

17 A. I believe so.

18 Q. Who?

19 MR. ELSTEAD: Mr. Armstrong, if you know
20 the answer to these questions answer them, but if you
21 are not sure don't go speaking for Mr. Yanny or people
22 who may or may not work. Make sure you have real
23 knowledge about these matters before you answer.

24 THE WITNESS: So I do not have that real
25 knowledge.

1 MR. MOXON: Q. Notwithstanding what
2 Elstead says, I'm entitled to your best testimony,
3 your best knowledge. If you believe someone is
4 employed by Yanny please tell me who it is.

5 MR. ELSTEAD: Objection. Calls for
6 speculation.

7 MR. WYNNE: Join. Also asked and
8 answered, I think.

9 MR. MOXON: Q. Answer, please.

10 A. I believe that Mary Grieco, Tom Grieco, a
11 secretary whose name I do not recall are employees of
12 Mr. Yanny.

13 Q. Or --

14 A. Around July of 1991.

15 Q. Have you had any discussions with the
16 Aznarans regarding Joe Yanny?

17 A. I don't believe so.

18 Q. Have you had any discussions with the
19 Aznarans at all in the past two years?

20 A. Yes.

21 Q. You've never mentioned Joe Yanny's name?

22 A. His name is one thing. A discussion
23 about him is another.

24 Q. By the way, how was it that you have come
25 to the conclusion that the church somehow induced the

1 Aznarans to fire Ford Greene?

2 A. From the materials which I have seen
3 filed in the Aznaran case.

4 Q. Based on what? What facts led you to
5 that conclusion?

6 A. Facts from different papers themselves or
7 facts contained in the papers that I'm referring to.

8 Q. There must be fifteen feet of files in
9 the Aznaran case. Tell me what facts you believe --
10 what facts gave rise to your conclusion that the
11 church induced the Aznarans to fire Ford Greene?

12 A. That organization attorneys told Barry
13 Van Sickle that the organization desired to settle the
14 Aznaran litigation but would not deal with Ford
15 Greene.

16 Q. Anything else?

17 A. And that this was communicated to the
18 Aznarans who then dismissed Ford Greene.

19 Q. Anything else?

20 A. Subsequently the organization's offer of
21 settlement proved to be a sham and the Aznarans at
22 that point were left without counsel. The
23 organization did not really desire to settle the
24 litigation at that time.

25 Q. Anything else?

1 A. Those are the principle facts as I know
2 them.

3 Q. When you were at Yanny's house did you
4 see any drugs, evidenced any illegal drugs?

5 A. No.

6 Q. Do you know if Yanny uses drugs?

7 MR. WYNNE: Objection.

8 THE WITNESS: Whatever I may know or
9 heard about anything like that I consider falls
10 squarely under my religious relationship with
11 Mr. Yanny.

12 MR. MOXON: Q. Even if you've just seen
13 it or heard it from somebody else, you consider that
14 to be privileged?

15 A. If there is a fact which is alleged in a
16 court document then that is a separate matter about
17 which anyone I suppose is free to comment on.

18 Q. Can you answer my question?

19 A. I think I'm answering it. You are
20 seeking to distinguish between personal knowledge and
21 what's in public documents and I think I've made that
22 distinction.

23 Q. Do you have any personal knowledge other
24 than conversations with Joe Yanny that he uses illegal
25 drugs?

1 MR. ELSTEAD: I instruct you not to
2 answer that on the grounds of right of privacy and
3 Fifth Amendment.

4 MR. MOXON: Q. Answer, please.

5 A. I won't answer that.

6 Q. Do you use illegal drugs?

7 MR. ELSTEAD: I instruct you not to
8 answer that.

9 MR. MOXON: Q. Does your church have any
10 dogma with respect to the use or non use of illegal
11 drugs?

12 A. No.

13 Q. Is the use of illegal drugs permitted in
14 your church?

15 A. It has no dogma regarding drugs.

16 Q. Are members of your church permitted to
17 lie if they wish?

18 A. There is no dogma regarding what members
19 of the church are permitted or not permitted to do.

20 Q. No policy or practice; is that correct?

21 A. No policy or practice either then. The
22 belief and corollary and the obvious which I have
23 already laid out.

24 Q. Did Yanny tell you whether or not he'd
25 ever been counseled by Bent Corydon?

1 MR. WYNNE: Objection. Asked and
2 answered.

3 MR. ELSTEAD: The objection is vague and
4 ambiguous.

5 MR. MOXON: Q. Answer.

6 A. What Mr. Yanny discussed with me that
7 could possibly be anything like that is protected by
8 the priest/penitent privilege which we have.

9 MR. MOXON: Take a break.

10 (Recess.)

11 MR. MOXON: Q. Does Bent Corydon own any
12 stock in your Gerald Armstrong Corporation?

13 A. I don't think I'll answer that. It's not
14 relevant to this matter at all and it just goes too
15 far afield.

16 Q. You refuse?

17 A. Yes.

18 Q. Who's the president of the corporation?

19 A. I am.

20 Q. Are there any other officers?

21 A. Yes.

22 Q. Who?

23 A. Michael Walton and Michael Douglas.

24 Q. Does the corporation have an address?

25 A. Does it have a what?

1 Q. An address?

2 A. Yes.

3 Q. What is it?

4 A. 707 Fawn Drive, Sleepy Hollow,
5 California.

6 Q. Is that your home?

7 A. 94960.

8 Q. No.

9 A. It's the corporation's office.

10 Q. Does the corporation have any employees?

11 A. Beyond what I've told you I don't feel
12 it's appropriate to go into corporation business.
13 It's not related to this litigation or deposition.

14 Q. Do you refuse to answer?

15 A. Yes.

16 Q. What artistic matters did you discuss
17 with Yanny?

18 MR. WYNNE: I'm going to object to the
19 question and instruct the witness not to answer to the
20 extent that the question invades the attorney/client
21 privilege.

22 THE WITNESS: Right. All the artistic
23 matters I discussed with Mr. Yanny fall within our
24 attorney/client relationship.

25 MR. MOXON: Q. Did you ever have any

1 discussions with Mr. Yanny concerning artistic matters
2 when anyone else other than you and Mr. Yanny was
3 present?

4 A. I have no recollection of that.

5 Q. Did you ever discuss with Joe Yanny the
6 possibility of him representing you in your litigation
7 with the church?

8 MR. WYNNE: Object to the question.
9 Clearly calling for information that would be covered
10 by the attorney/client privilege and instruct you not
11 to answer.

12 MR. MOXON: Q. Answer the question.

13 A. He has never suggested or discussed that.

14 Q. Have you ever discussed it with him?

15 A. No.

16 Q. Has Joe ever given you his opinion about
17 what you should do about your appeal with the church?

18 A. No.

19 Q. Did you ever have any discussions with
20 Toby Plevin about legal matters when Joe was present?

21 A. Yes.

22 Q. When was that?

23 A. During the ride to and from the oral
24 argument in the Armstrong appeal.

25 Q. What did you discuss?

1 A. I don't believe that I discussed or that
2 I said anything regarding that at the time.
3 Miss Plevin and Mr. Yanny discussed the argument how
4 it went and so forth.

5 Q. On the way back?

6 A. On the way back. And I believe -- well,
7 I have no recollection of the conversation going to
8 the court.

9 Q. Did you ever have any discussions with
10 Joe when he asked you to give him counseling and then
11 you talked about legal matters?

12 A. Our discussion of counseling is protected
13 by our religious relationship and I won't answer more
14 regarding that.

15 Q. Have you discussed the \$120 million
16 dollar case, I believe you called it, with Joe,
17 the one that Al Lipkin is a party to?

18 A. To the extent that I knew that he had a
19 copy of the complaint and that's all.

20 Q. I don't understand. What did you discuss
21 with him?

22 A. That was the extent of our conversation
23 regarding it, was that I knew that he had it.

24 Q. Do you know where he got it?

25 A. I don't know.

1 Q. He didn't say?

2 A. It's filed in U.S. District Court in Los
3 Angeles.

4 Q. Did he say --

5 A. I have no recollection.

6 Q. Did he give you a copy?

7 A. No.

8 Q. How did you know he had a copy?

9 A. That was what was said about it.

10 Q. By you?

11 A. By him. He has the copy or he said he
12 had a copy.

13 Q. And he didn't give you a copy?

14 A. I have asked him for a copy.

15 MR. ELSTEAD: The question is, did he
16 give you a copy or didn't he?

17 THE WITNESS: No.

18 MR. ELSTEAD: If he did he did, if he
19 didn't just say he didn't. It's late in the day.
20 Stay on track here.

21 MR. MOXON: Q. Have you had any
22 discussions with Yanny about the letters you had
23 written to Eric Leiberman?

24 A. I gave Mr. Yanny a copy of the June 21,
25 1991 letter. And at that time the conversation was to

1 the extent of his acknowledging that I had given it to
2 him and that was it.

3 Q. You had no discussion with him about it?

4 A. I have no recollection of anything that
5 thereafter transpired.

6 Q. Did you have any discussion with Yanny
7 about surveillance of Ford Greene's office?

8 A. I believe so, yes.

9 Q. Where was that?

10 A. Telephone.

11 Q. When?

12 A. Around the time of the perceived
13 surveillance. I can't give you a date but the date is
14 after it happened.

15 Q. After July 15?

16 A. After August 22.

17 Q. You called Yanny or did he call you?

18 A. I don't recall.

19 Q. Do you speak often on the phone?

20 A. No.

21 Q. Did Yanny tell you what you should do
22 about it?

23 A. No.

24 Q. Did he tell you to write a letter to Eric
25 Lieberman?

1 A. No.

2 Q. Did he suggest you should make a
3 complaint somewhere?

4 A. No.

5 Q. Have you discussed the Flynn settlement
6 with Yanny?

7 A. To the extent that I include it in the
8 declaration which I wrote in his office.

9 Q. You talked to him about it before you
10 wrote the declaration to see what he needed in the
11 declaration?

12 MR. ELSTEAD: Objection. Argumentative.

13 THE WITNESS: Essentially, yeah.

14 MR. MOXON: Q. And then you wrote the
15 declaration and showed it to Yanny?

16 A. Right.

17 Q. And he edited it?

18 A. No.

19 Q. Did he give you any suggestions about
20 what else to put in it or was he satisfied?

21 A. My recollection is that that declaration
22 I just drafted and handwrote, provided it to his
23 secretary. She typed it up. There may have been some
24 typos and may have been a little bit of rewording at
25 that point.

1 Q. By Yanny or you?

2 A. I recall by myself.

3 Q. Yanny, too?

4 A. I don't think so. He didn't have any, at
5 least my recollection is, had no -- certainly nothing
6 significant. Maybe punctuation. No, not even that.
7 No maybe. I did it. They are my words. I wrote it.

8 Q. Have you discussed with Yanny the
9 potential of you bringing a new civil action against
10 the church?

11 A. No.

12 Q. Has Yanny given you counsel? Does Yanny
13 give you counseling?

14 A. Generally the relationship does not run
15 in that direction.

16 Q. Sometimes it does?

17 A. It may. Nothing comes to mind.

18 Q. You believe --

19 A. Short answer would be no. We'll leave it
20 at that.

21 Q. I want an accurate answer. I don't want
22 a short answer if it's not accurate.

23 A. Okay. I'll stand by that.

24 Q. Mr. Yanny has never given you any
25 counseling?

1 A. If he did it doesn't come to mind.

2 Q. Did he ever give you any advice about
3 anything?

4 MR. WYNNE: Objection. That one invades
5 the attorney/client relationship. If you can rephrase
6 it to get it away from attorney/client matters, that's
7 fine. In the meantime, I would instruct him on
8 Yanny's behalf not to answer the question.

9 MR. MOXON: Q. Answer.

10 A. With regards to Scientology litigation?

11 MR. ELSTEAD: Are you not taking
12 Counsel's advice?

13 MR. WYNNE: I understood his question
14 to --

15 MR. MOXON: Q. Have you discussed
16 possible litigation against the church with anyone in
17 the IRS?

18 A. No.

19 Q. Have you discussed any currently pending
20 litigation against the church with Van Sickle?

21 MR. WYNNE: Can I have that question read
22 back?

23 MR. MOXON: Q. Have you discussed any
24 pending litigation against the church with Van Sickle?

25 A. Yes.

1 Q. What litigation?

2 A. Yanny two.

3 Q. He asked you to assist him in Yanny two?

4 A. No.

5 Q. What did you discuss with Van Sickle?

6 A. The scheduling of depositions.

7 Q. Nothing else?

8 A. No.

9 Q. Did you discuss with Yanny your testimony
10 in South Africa in the Nothling case?

11 A. No.

12 Q. You are certain?

13 A. I didn't testify in the Nothling case so
14 my testimony -- I did not discuss what I didn't
15 testify.

16 Q. Did you discuss the Nothling case with
17 Yanny?

18 A. Yes.

19 Q. What did you discuss with him?

20 A. I told him that I was going to South
21 Africa and that it was my intention to testify in that
22 case.

23 Q. Did he tell you that was a good idea?

24 A. I have no recollection of him saying
25 anything one way or another.

1 Q. Did Yanny put you in communication with
2 Priscilla Coates?

3 A. No.

4 Q. Have you ever discussed Priscilla Coates
5 with Yanny?

6 A. I don't believe so.

7 Q. You do know who Priscilla Coates is,
8 don't you?

9 A. Yes.

10 Q. Have you met with her?

11 A. Yes.

12 Q. What about?

13 A. I'm sorry?

14 Q. What about?

15 A. The Armstrong appeal.

16 Q. Has Miss Coates given you any information
17 about the IRS interest in Scientology?

18 A. No.

19 Q. Has Coates asked you to get Yanny to help
20 hold the Cult Awareness Network?

21 A. No.

22 Q. When did you meet with Coates?

23 A. At the oral argument in the Armstrong
24 appeal.

25 Q. Had you ever talked to her before?

1 A. No.

2 Q. Have you talked to her since?

3 A. No.

4 Q. Are you a member of CAN?

5 A. No.

6 Q. Is Yanny?

7 A. I don't know.

8 Q. Have you ever spoken to Cynthia Kissner?

9 A. No.

10 Q. Do you know if Yanny has ever spoken to
11 Coates?

12 A. I don't know.

13 Q. Are you sure?

14 A. I don't know.

15 Q. When you were working in Yanny's office
16 did you consider yourself to be a paralegal for Yanny?

17 A. I really don't think so.

18 Q. Has the Gerald Armstrong Corporation paid
19 any money back to Yanny?

20 A. No.

21 Q. Is there any intention to?

22 A. No.

23 Q. Has Gerald Fagelbaum given you any money
24 to assist your litigation efforts?

25 A. No.

1 Q. How about David Mayo?

2 A. No.

3 Q. Did you help Yanny with any pleading work
4 in the Aznaran cases; copying, hole punching, anything
5 like that?

6 MR. WYNNE: I'm going to object to that
7 question as vague, ambiguous and compound.
8 Particularly in terms of "pleading work." Are you
9 referring to clerical work?

10 MR. MOXON: Q. You can answer.

11 A. I wrote the declarations. When they were
12 typed up and signed I made copies of them. Copies
13 were for myself.

14 Q. Did you help Joe do any clerical work in
15 the office at all in the Aznaran case?

16 A. I have no recollection of doing anything
17 other than what I've said.

18 Q. Did Ford Greene hire you as a paralegal?

19 A. Yes.

20 Q. Did he pay you?

21 A. No.

22 Q. Does he owe you money?

23 A. I don't consider that he does.

24 Q. Are you to be paid from the proceeds of
25 the case if there's a settlement?

1 A. No.

2 Q. Did you expect to get any money from the
3 proceeds for your work on the case?

4 A. No.

5 Q. Has anyone told you that you might?

6 A. No.

7 Q. Do you still work for Ford Greene?

8 A. Yes.

9 Q. Do you work on anything other than the
10 Aznaran case?

11 A. Yes.

12 Q. Does he pay you for other matters other
13 than Aznaran?

14 A. No.

15 Q. Why not?

16 A. I think that the answer to that gets into
17 our legal relationship and I decline to answer.

18 Q. Is Ford Greene a member of your church?

19 A. Yes.

20 Q. How about Toby Plevin, is she a member of
21 your church?

22 A. I think I'll decline to answer that.

23 Q. Why?

24 A. Seems inappropriate at this time. It has
25 nothing to do with the Yanny case.

1 Q. It has a lot to do with the bonafides of
2 your church?

3 A. Whether or not Toby Plevin is a member?

4 Q. Answer the question.

5 A. I think it has nothing to do with the
6 bonafides of the church.

7 Q. Do you refuse to answer?

8 A. Yes.

9 Q. Have the Aznarans compensated you for the
10 work you've done in their case?

11 A. Yes.

12 Q. How?

13 A. I was paid \$1,500 for my work and
14 expenses in connection with the Aznaran case.

15 Q. By who?

16 A. Through Mr. Elstead.

17 Q. Mr. Elstead. Who paid him?

18 A. I don't know what his relationship is or
19 what his financial arrangements are with anyone.

20 Q. Do you know where the money came from?

21 A. No.

22 Q. He's not Aznarans' counsel, is he?

23 A. Who?

24 Q. Mr. Elstead?

25 A. Yes, he is.

1 Q. You have no idea where the money came
2 from?

3 A. It came from him.

4 Q. Out of his firm or did somebody pay him
5 to give it to you?

6 A. I don't know the answer to that.

7 MR. ELSTEAD: Objection. Calls for
8 speculation.

9 MR. MOXON: Q. Do you have any idea?

10 MR. ELSTEAD: Don't speculate.

11 THE WITNESS: Okay.

12 MR. MOXON: Q. Do you have any idea --
13 do you have any information whatsoever which would
14 indicate to you that it came from somewhere other than
15 the firm's income?

16 MR. ELSTEAD: Don't speculate.

17 THE WITNESS: No.

18 MR. MOXON: Q. When did you receive that
19 \$1,500?

20 A. I believe around mid August.

21 Q. Did you have any other employment at that
22 time?

23 A. Yes.

24 Q. So you received the \$1,500 for your
25 part-time work?

1 A. Full time work.

2 Q. You had other employment then?

3 A. Right.

4 Q. Who else were you employed by?

5 A. I have a number of other activities in
6 which I'm involved.

7 Q. Are you actually employed by someone else
8 as an employee?

9 A. Yes.

10 Q. Where?

11 A. I don't think that that's related to the
12 Yanny deposition and I decline to go into my
13 relationship with any other employer.

14 Q. Do you know if Frank Gerbode provided any
15 money to anyone for assisting in the Aznaran
16 litigation?

17 A. No.

18 Q. Do you know if any third party paid any
19 money to Aznaran or Aznarans' counsel to assist their
20 litigation?

21 A. No.

22 Q. Whether or not you know who it was, do
23 you know if anyone did that?

24 A. No.

25 Q. How about Corydon litigation, do you know

1 if anyone assisted through the provision of some money
2 for that?

3 A. No.

4 Q. Do you pay Mr. Elstead for his work for
5 you?

6 A. I'm sorry?

7 Q. Do you pay your lawyer for work for you?

8 MR. ELSTEAD: I'm going to instruct you
9 not to answer that question, Mr. Armstrong, on the
10 basis of attorney/client privilege.

11 MR. MOXON: Q. Does anyone else pay him
12 on your behalf?

13 MR. ELSTEAD: Same instructions.

14 MR. MOXON: Q. Do you have any agreement
15 or relationship with any third party with respect to
16 your attorney/client relationship with Mr. Elstead?

17 MR. ELSTEAD: Instruct you not to answer
18 that on the basis of attorney/client privilege.

19 MR. MOXON: I'm looking at a third party,
20 anyone who's not a client, whether or not there's any
21 other person who has any input into your
22 attorney/client relationship or who provides any
23 funds.

24 MR. ELSTEAD: I instruct you not to
25 answer that on the grounds of attorney/client

1 privilege.

2 MR. MOXON: Q. Well, you are wrong
3 Elstead.

4 MR. ELSTEAD: If you call me Elstead one
5 more time in this deposition without preceding with
6 "Mr." I'll end the deposition. I'll show you the
7 respect as an officer of the court. You show me the
8 same or it's over. Do you understand? Your choice.

9 MR. MOXON: Q. Do you know if anyone has
10 offered to pay money to your attorney to assist you?

11 MR. ELSTEAD: Instruct you not to answer
12 that on the grounds of attorney/client privilege.

13 MR. MOXON: Q. Have you ever had any
14 communications with Frank Gerbode in the past three
15 years?

16 A. Yes.

17 Q. Have you had any discussions with him
18 about financing litigation?

19 A. No.

20 Q. Do you know if he finances any litigation
21 against the church?

22 A. No.

23 Q. Did you ever discuss that issue with Joe
24 Yanny whether or not Gerbode finances litigation?

25 A. No.

1 Q. Have you ever discussed it with anyone?

2 A. I don't recall.

3 Q. What would refresh your recollection?

4 MR. WYNNE: Objection. Calls for
5 speculation and too stupid for words.

6 MR. MOXON: Q. Do you know?

7 A. No.

8 Q. Have you ever talked to Bent Corydon
9 about Frank Gerbode?

10 A. I have no recollection of talking to him
11 about Gerbode.

12 Q. Do you have a recollection of talking to
13 anybody about Gerbode?

14 A. I have had conversations in which
15 Gerbode's name has come up. I cannot recall right now
16 with whom that occurred over the last seven years.

17 Q. When did you receive the \$1,500 for your
18 work?

19 A. I answered that.

20 MR. WYNNE: Objection. Asked and
21 answered.

22 MR. MOXON: Q. What's the answer?

23 A. My recollection is in mid August.

24 Q. Are you expecting to receive any more
25 money for your work for Mr. Greene?

1 A. I don't have that as an expectation.

2 Q. Do you know if Mr. Greene is paid by
3 anyone for his work in the Aznaran case?

4 A. No.

5 Q. Do you have a title for your work in
6 Mr. Greene's office?

7 A. I don't understand the question.

8 Q. Paralegal, assistant, clerk, whatever?

9 A. Assistant or paralegal.

10 Q. Did Al Lipkin ever tell you that he
11 believed the work he was doing would bring about the
12 ultimate destruction of the church?

13 A. Did who ever say what?

14 Q. Did Al Lipkin ever tell you that he
15 believed his investigation would bring about the
16 ultimate destruction of the church?

17 A. No.

18 Q. Did you keep the drafts of declarations
19 that you did when you were in Yanny's office in July?

20 A. I don't recall.

21 Q. Did you have any discussions with Yanny
22 with respect to whether or not your work with him
23 would constitute a breach of your settlement offer,
24 excuse me, your settlement agreement with the church?

25 A. No.

1 Q. Weren't you concerned that your work with
2 Yanny would constitute a breach with your settlement
3 agreement with the church?

4 A. No.

5 Q. Why not?

6 A. Because I consider that the organization
7 has waived its right to enforce the settlement
8 agreement by its actions taken against me, by public
9 statements it has made, by the use of material which
10 falls under the window of the settlement agreement
11 itself. And that therefore I am free to say or do as
12 any other citizen of this country would.

13 Q. Is the church then entitled to get money
14 back from the settlement?

15 MR. ELSTEAD: Mr. Armstrong, I advise you
16 you should probably consult other counsel regarding
17 that. Until you have, do not answer any further
18 questions regarding this matter.

19 MR. WYNNE: Calls for legal conclusion.
20 Objection.

21 MR. MOXON: Q. Answer.

22 A. I will follow counsel's advice on that
23 particular point.

24 Q. What has Yanny told you about that issue?

25 MR. WYNNE: Objection. Assumes facts not

1 in evidence. Lacks foundation as well.

2 THE WITNESS: Nothing.

3 MR. MOXON: Q. You were saying you've
4 never talked to Yanny about your settlement agreement
5 the scope and enforceability of it.

6 MR. ELSTEAD: Objection. Argumentative.

7 THE WITNESS: I have put in writing my
8 position. And I've made that known publically. And I
9 believe that it's known to every attorney and litigant
10 in the Scientology conflict.

11 MR. MOXON: Q. That's not my question.
12 Is it your testimony that you've never discussed with
13 Yanny the enforceability of the settlement agreement?

14 A. I just told you what I have said and what
15 I have written, he has been the recipient of, as far
16 as I know, all my written communications. And
17 although I cannot specifically identify a
18 communication in which that was said, I have said that
19 on many occasions to many people. And that would be
20 what I would have said to him.

21 Q. My question to you is, has Yanny ever
22 said anything to you about the enforceability of the
23 settlement agreement?

24 A. Not that I recall.

25 Q. Has Yanny ever said anything to you like,

1 "I'm not going to give you advice about this
2 agreement, however it's my opinion that . . ." and
3 then proceed to give you his opinion about the
4 settlement agreement enforceability?

5 A. No.

6 Q. Did you ever talk to Yanny about whether
7 or not your testimony in South Africa or your
8 potential testimony would be a breach of the
9 settlement agreement?

10 A. No.

11 Q. Have you ever talked to Mr. Greene about
12 whether or not your assistance to Mr. Greene would
13 constitute a breach of the settlement agreement?

14 A. Yes.

15 MR. WYNNE: Mr. Armstrong, to the extent
16 that these may have been attorney/client
17 communications, if Mr. Greene in any way was providing
18 you with advice, I'm not your attorney in any way on
19 that, but I would advise you you have the right to
20 refuse to answer.

21 MR. MOXON: You are giving him advice now
22 on behalf of Yanny? Are you giving him advice on
23 behalf of Yanny?

24 MR. WYNNE: No. I'm giving advice as an
25 officer of the court. You ought to try to remember

1 that from time to time as an officer of the court,
2 too.

3 MR. MOXON: Q. Answer.

4 A. Whatever I have said to him regarding the
5 settlement agreement is as I have said to you, that it
6 is my position -- it is my belief that because of the
7 actions taken by the organization I am free to do what
8 I do. And I give my aid to those people on whom I
9 depend.

10 Q. What did Greene tell you his opinion was
11 on that issue?

12 A. I don't believe he has ever stated an
13 opinion.

14 Q. Did he discuss it with you whether or not
15 your view is correct?

16 A. I don't believe he has ever said.

17 Q. He's encouraged you to help him, right,
18 help the Aznarans?

19 MR. ELSTEAD: Objection. Argumentative.

20 THE WITNESS: He appreciates my help.

21 MR. MOXON: Q. He's never encouraged
22 you?

23 A. Appreciation could be called
24 encouragement.

25 Q. How has he demonstrated his appreciation

1 towards you?

2 A. With acknowledgements, thanks.

3 Q. Anything else?

4 A. That's it.

5 Q. By the way, has Toby Plevin or Bent
6 Corydon indicated to you that if they ever get a
7 settlement they will reimburse you for your time spent
8 assisting them?

9 A. No.

10 Q. Did Yanny also encourage you to assist
11 the Aznaran case?

12 A. Yes.

13 Q. Did Yanny instruct or did Yanny
14 communicate with the Aznarans, if you know, as to
15 whether or not they should fire Ford Greene?

16 MR. WYNNE: Objection. To the extent
17 that any such communication exists it's
18 attorney/client and I would instruct Mr. Armstrong on
19 behalf of Mr. Yanny not to answer that question.

20 THE WITNESS: I'll stick with that
21 instruction.

22 MR. MOXON: Q. What Yanny told Aznaran
23 is your attorney client/privilege?

24 MR. WYNNE: Must be getting late. You
25 don't understand.

1 MR. MOXON: Whose privilege is it that
2 you are asserting here, Mr. Wynne?

3 MR. WYNNE: The objection and instruction
4 are on the record. Figure it out.

5 MR. MOXON: You can answer then.
6 Mr. Wynne won't apparently identify whose privilege
7 he's asserting.

8 MR. WYNNE: He's been instructed not to
9 answer the question.

10 MR. MOXON: Q. Are you going to follow
11 the instruction Mr. Wynne gives you whether or not it
12 makes any sense?

13 MR. ELSTEAD: Mr. Armstrong, I'm going to
14 advise you not to answer those questions. It's not a
15 proper question in a deposition.

16 MR. MOXON: Q. Has Mr. Yanny told you
17 that you should follow the instruction of Mr. Wynne
18 during this deposition?

19 A. No.

20 Q. Did you know Mr. Wynne was going to be
21 here?

22 A. I had heard.

23 Q. From who?

24 A. I believe Ford Greene.

25 Q. Did Greene tell you to follow Yanny's

1 instructions given through Wynne?

2 A. No.

3 Q. Did he suggest to you it would be a good
4 idea?

5 A. No.

6 Q. Did you talk about it at all?

7 A. No.

8 Q. In fact, the Aznarans fired Greene for
9 incompetence and drug abuse, didn't they?

10 MR. ELSTEAD: Objection. Calls for
11 speculation.

12 MR. WYNNE: Join in that. Also assumes
13 facts not in evidence.

14 THE WITNESS: No.

15 MR. MOXON: Q. Didn't the Aznarans tell
16 you that Ford Greene couldn't competently handle the
17 case because of his drug abuse?

18 A. No.

19 Q. Did they talk to you about that at all,
20 Mr. Greene's drug abuse problem?

21 MR. ELSTEAD: Did who, the Aznarans, was
22 the question?

23 MR. MOXON: Q. Do you know if the
24 Aznarans had any discussion concerning the Flynn
25 settlement agreements with Fagelbaum?

1 A. I don't know.

2 Q. Have you ever talked to Gerald Fagelbaum
3 yourself?

4 MR. WYNNE: Objection. Asked and
5 answered.

6 THE WITNESS: Yes.

7 MR. MOXON: Q. What about?

8 A. I believe it simply had to do with making
9 contact. And that I was at that time going to meet
10 with him. But the meeting never took place. And we
11 spoke once by telephone and what we discussed at that
12 time was simply that contact.

13 Q. Have you ever spoken to David Mayo about
14 this case?

15 MR. ELSTEAD: Do you have any idea how
16 much longer you plan to go on?

17 THE WITNESS: We should quit.

18 MR. ELSTEAD: Any estimate?

19 THE WITNESS: It's time to go.

20 MR. ELSTEAD: It will be a while yet.

21 MR. MOXON: Off the record.

22 (Discussion off the record.)

23 MR. WYNNE: On the record. It is now a
24 little bit after 5:00 o'clock. Mr. Armstrong has been
25 here for his deposition since 10:00 o'clock this

1 morning.

2 We would propose that we adjourn at this
3 time and I am going to reserve the right to make a
4 motion for protective order. 90 percent of the
5 questions that were asked today have nothing to do
6 with the litigation of Yanny. They may have to do
7 with the Internal Revenue Service, but they don't have
8 to do with this litigation.

9 MR. MOXON: Yanny's a --

10 MR. WYNNE: They don't have anything to
11 do with this litigation. We will reserve that right.

12 MR. MOXON: I take it that count 31 of
13 your cross-complaint is going to be stricken which
14 goes into all the matters that were set forth in the
15 IRS summons?

16 MR. WYNNE: I don't understand any
17 connection whatsoever. You have just entered a new
18 frontier in nonsequitur.

19 MR. MOXON: Paragraph 31 comes right out
20 of the illegal summons that was served last week.

21 MR. WYNNE: Illegal summons. Whatever
22 you say counsel. You mean to say the IRS is breaking
23 the law? It's on the record.

24 MR. MOXON: They sure are breaking the
25 law and Yanny's helping them.

1 MR. WYNNE: On the record guys.

2 MR. MOXON: We will adjourn then and have
3 to get together and formally work out another
4 convenient time.

5 MR. WYNNE: Is there anything you want to
6 put on the record as far as the transcript on this
7 proceeding?

8 MR. MOXON: I think we should make this
9 part of the transcript separate and treat it
10 separately for purposes of signature and use if we
11 intend to be able to use it for any purpose.

12 I'll give you as much time as you
13 reasonably need, if you want to be able to sign it and
14 read it before we could use it. It would have to be
15 done in a very, very short time after it's created,
16 otherwise we'll use it as soon as you have it.

17 I'll give 30 days to read and sign it
18 before it's considered final.

19 MR. WYNNE: And by way of stipulation you
20 will relieve the court reporter of her obligations
21 under the Code of Civil Procedure and the transcript
22 can be signed under penalty of perjury?

23 MR. MOXON: I take it you are ordering a
24 copy of the transcript, are you?

25 MR. WYNNE: Yes. I don't know how the

1 witness can get it.

2 THE WITNESS: Will it be mailed to me?

3 MR. MOXON: You are not ordering a copy
4 of it. If you want to buy it you can have it mailed
5 to you.

6 MR. ELSTEAD: Have the court reporter --
7 if you want it to be any good, read it and sign it,
8 you can make a provision for him --

9 THE WITNESS: I'd like it mailed to me.

10 MR. MOXON: Q. If you want to buy it you
11 can buy it and do it that way. It's just whether or
12 not you want to sign it or not within 30 days, to come
13 in and read it and sign it and make any corrections.

14 A. Is there any reason it cannot be mailed
15 to me?

16 Q. Sure.

17 A. What's that?

18 Q. You are not entitled to a free copy of
19 the deposition.

20 A. I'm asking for it to be mailed to me.

21 Q. Mailed and returned to --

22 A. You are ordering the document. I would
23 like, and I think it's just a regular standard
24 courtesy, you could mail it to me rather than me
25 having to travel another 30 miles in each direction to

1 have to do it in some space on a rushed basis.

2 MR. MOXON: Are you ordering a copy,
3 Mr. Wynne?

4 MR. WYNNE: Yes.

5 MR. MOXON: Off the record.

6 (Discussion off the record.)

7 MR. ELSTEAD: On the record. Have the
8 original sent to Mr. Armstrong for his signature.
9 He'll be obligated to review it, return it to the
10 court reporter within seven days of receipt and
11 stipulate he's not going to destroy the original and
12 he will return it to the court reporter.

13 MR. MOXON: And won't make a copy without
14 paying for it, of course.

15 MR. ELSTEAD: I don't know what he'll do.

16 MR. MOXON: That's between he and the
17 court reporter. Do you want to arrange a tort for
18 your client? I won't stipulate to that.

19 MR. ELSTEAD: Then he doesn't have to
20 come in here.

21 MR. MOXON: Then I won't stipulate.

22 MR. ELSTEAD: You are saying this witness
23 is not entitled to look at the original of this
24 deposition as if it never occurred?

25 MR. MOXON: He can come in here and read

1 it. If he'll put on the record --

2 MR. ELSTEAD: He will not destroy the
3 original.

4 MR. MOXON: Maybe you could learn
5 something if you don't interrupt me.

6 MR. ELSTEAD: That's enough.

7 THE WITNESS: If you want my address to
8 mail it to --

9 (Mr. Armstrong, Mr. Elstead and Mr. Wynne leave
10 deposition room.)

11
12 (The deposition was adjourned at 5:10 p.m.)

13
14 ---oOo---

15
16 I declare under penalty of perjury that
17 the foregoing is true and correct. Subscribed at
18 _____, California, this ____ day of
19 _____, 1991.

20
21
22 -----
23 Signature of Witness
24
25

1 CERTIFICATE OF REPORTER

2
3 I, ANGELA T. FISTOLERA, a Certified
4 Shorthand Reporter, hereby certify that the witness in
5 the foregoing deposition was by me duly sworn to tell
6 the truth, the whole truth and nothing but the truth
7 in the within-entitled cause;

8 That said deposition was taken down in
9 shorthand by me, a disinterested person, at the time
10 and place therein stated, and that the testimony of
11 the said witness was thereafter reduced to
12 typewriting, by computer, under my direction and
13 supervision;

14 I further certify that I am not of
15 counsel or attorney for either or any of the parties
16 to the said deposition, nor in any way interested in
17 the event of this cause, and that I am not related to
18 any of the parties thereto.

19
20 DATED: October 15, 1991


21
22 
23 ANGELA T. FISTOLERA, CSR No. 7811

Exhibit 1

1 DECLARATION OF KENDRICK L. MOXON

2 I, Kendrick L. Moxon, hereby declare and state:

3 1. I am an attorney licensed to practice law in the State
4 of California and the District of Columbia. I make the instant
5 declaration of my own personal knowledge, and if called to
6 testify thereto, I could and would do so competently.

7 2. I have spoken to Joseph Yanny hundreds of times since
8 1986 when I first met him, and have worked with him on several
9 legal matters. I was counsel of record for the plaintiffs in
10 the case of Religious Technology Center, et al. v. Yanny,
11 et al., L.A.S.C. No. C690211.

12 3. I am also counsel of record for plaintiff in the case
13 of Church of Scientology of California v. Gerald Armstrong,
14 L.A.S.C. No. C420153. I have seen Armstrong in court four or
15 five times over the past few years.

16 4. On July 15, 1991, I was at the clerk's office in the
17 United States District Court for the Central District of
18 California. While there, at approximately 2:30 p.m., I saw
19 Yanny in the office, and we said hello to each other. A few
20 minutes later, I saw Yanny and Armstrong standing together in a
21 corridor of the clerk's office, between the area of the filing
22 windows and the files storage space. I walked up to Armstrong,
23 and said to him, "Does Yanny represent you, too?" Armstrong
24 nodded his head in assent and at the same time Yanny said "No."

25 5. I said to Armstrong, "You say yes and Yanny says no."
26 Yanny interrupted Armstrong's response, and said, "I represent
27 him only on literary matters." I stated to Armstrong, "Do you
28 know who I am?" Armstrong said "No." I said, "I'm Rick Moxon,"

DEPOSITION
EXHIBIT
1

1 and held out my hand. He said, "Gerry Armstrong" and shook my
2 hand. I said to Armstrong, "Scientology literary matters?"
3 Yanny pulled Armstrong away by the arm, and said, "Talk to his
4 lawyer."

5 6. About a minute later, I went into the files area of
6 the clerk's office, and saw Yanny and Armstrong together
7 looking at a court file. I went over to them, and asked Yanny
8 what they were reading. Yanny said "J.J. Gaw v. IRS. Very
9 interesting. Very interesting." J.J. Gaw is a private
10 investigator I have retained to conduct investigations on
11 behalf of the Church of Scientology International. I asked
12 Yanny if he has sent me service of a paper about which he had
13 called me last week. He responded and I left the area.

14 7. Just before 3:00 p.m., I returned to the clerk's
15 office and spoke to several of the filing window clerks to
16 verify what file Yanny and Armstrong were reviewing. I
17 confirmed that with a stack of files in the clerk's area which
18 was being returned to the shelves after review by a requestor,
19 was a copy of the Gaw case, No. 91-1906 JSL. I confirmed
20 this by asking the clerk to see if the file was present. He
21 stated that it was and brought the file over to the desk for me
22 to see.

23 I declare under penalty of perjury that the foregoing is
24 true and correct. Signed this 18th day of July, 1991, in Los
25 Angeles, California.

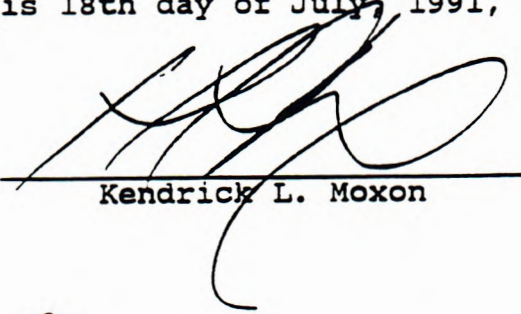
26 
27 Kendrick L. Moxon
28

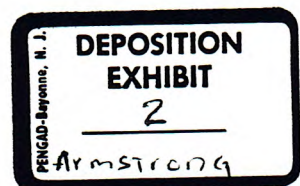
Exhibit 2

Declaration of Gerald Armstrong

I, Gerald Armstrong, declare:

1. I have been advised by attorney Joseph A. Yanny that he has been sued by one or more Scientology entities, hereinafter referred to as "the organization," for inducing me to breach a settlement agreement I entered into with the organization in December 1986. I am making this declaration to show that this allegation is in every respect untrue.

2. I received a telephone call from Mr. Yanny to my answering machine on or about July 10, 1991. He left a message which simply said, "I need your help." I



(2)

called him back at which time he reiterated his request for my help and explained that because of organization machinations (which have been detailed in other declarations by other parties), Rick and Vicki Azmaran, plaintiffs and counter-defendants against the organization had been induced to fire their attorney, Ford Greene, and that Mr. Yanny had come into the case to ensure they had legal representation. Mr. Yanny also expressed during this conversation some personal concerns, which will remain private and confidential

(2)

between Mr. Yarny and me.

3. I told Mr. Yarny at that time that I would help and that I would travel to Los Angeles on July 12. I asked him for five hundred dollars to cover my expenses, and told him he could consider it as purchase of stock in the Gerald Armstrong Corporation (TGAC). I also counseled Mr. Yarny at that time regarding his personal spiritual difficulties. (TGAC is a California Corporation in which, although it bears my name and I am its active officer,

(4)
I own no stock.)

4. I did travel to Los Angeles, did stay at Mr. Yanny's home, did work in his office on July 15 and 16, and did write and execute a declaration on July 16 giving my knowledge of the effect of the December 1986 group settlement agreements on the ability of the Azranone and other individuals victimized by the organization to obtain proper legal representation. I also discussed with Mr. Yanny literary and

(5.)

artistic matters, areas of the law, or a copyright and trademark attorney, in which he has expertise. The majority of my time with Mr. Yonny concerned spiritual matters, an area in which I have expertise.

5. I refer this Court to my declarations of March 15, 1990 and December 25, 1990, and the exhibits thereto. These declarations detail the circumstances at the time of the December 1986 settlement and the many instances subsequently

⑥

when I was attacked
or threatened by the
organization in violation
of the settlement agreements.
These declarations make it
very clear that I consider
I have a right to counter
the organization's attacks,
to speak out against
its policy of "fair game"
and assaults on the
basic rights of individuals,
and to assist those
whom I would depend
on for protection against
the organization's legal
and extra-legal might
and antisocial acts.
It is therefore the org-

(7.)

organization itself which induced me, if I was induced by any human agency to do anything which the organization might consider a breach of the settlement agreement.

6. But more than a desire to protect myself or right the organization's unjust acts towards me, however, I helped Mr. Yanny for the simple reason that he asked. I will do the same for anyone. The organization is aware of this fact because it received my letter of

(8.)

June 21, 1991, a copy of which will accompany this declaration as Exhibit 1, and acknowledged the letter's receipt in their letter of July 3, 1991, a copy of which will accompany this declaration as Exhibit 2. It is not only the right of all men to respond to requests for help, it is our essence. If I was induced, therefore, to help Mr. Yanny, or anyone else, it was our Creator who induced me. Mr. Yanny, unlike the organization, was not aware of my dedication to helping my fellow humans, did not know of my June

(9)


21, 1991 letter, so acted
in innocence.

7. I do not ask for
or expect a fee for my
help, although generally
I do not refuse whatever
is given me. I know
that I am sustained
completely by the Great
Coordinator Who sends to
me whenever He wants me
to help. I therefore can-
not be induced by money
or whatever anyone can
offer me.

I declare under the
pain and penalty of perjury
under the laws of the
State of California that
the foregoing is true and

correct.

Executed this 19th day
of July at New York, New
York.



Gerald Armstrong

Exhibit 3

1 I, GERALD ARMSTRONG, declare and state that:

2 1. I have made a previous declaration in this matter
3 and reiterate that I was a member of Scientology from 1969 to
4 1981 and involved in litigation with various Scientology entities
5 hereinafter referred to as "the Organization" since 1982 to the
6 present. I am familiar with many of the witnesses, attorneys and
7 victims who have been involved with various Scientology
8 litigations and I have previously met and recognize the voice of
9 Barry Van Sickle.

10 2. In the afternoon of July 16, 1991, I was present
11 at the Law Offices of Joseph A. Yanny when Mr. Yanny received a
12 telephone call from Mr. Barry Van Sickle which phone call was
13 placed upon the speaker phone. I heard the conversation between
14 Mr. Van Sickle and Mr. Yanny at that time and in its entirety.
15 During the course of the conversation, Mr. Van Sickle recounted a
16 conversation that he had had with Messrs. Quinn and Drescher
17 regarding settlement of litigation between Bent Corydon and the
18 Organization. Mr. Van Sickle stated that he had attended a
19 number of such meetings at which settlement was discussed and
20 that, at one particular meeting, a settlement document was
21 transferred by Mr. Drescher to Mr. Van Sickle with respect to the
22 Corydon litigation.

23 3. Mr. Van Sickle stated that, during the course of
24 the aforementioned meeting, Messrs. Quinn and Drescher had stated
25 that the objective of the settlement was to make peace. Mr. Van
26 Sickle stated that Mr. Drescher stated, while handing over the
27 settlement agreement, that he realized that the settlement
agreement, as proposed, was harsh in its terms. Mr. Van Sickle

1 stated further that Mr. Drescher indicated that while he realized
2 it was unethical to suggest such a thing, it was the desire of
3 his clients to have Mr. Van Sickle and Ms. Toby Plevin out of the
4 Scientology litigation business.

5 I declare under the penalty of perjury under the laws of the
6 United States and the State of California that the foregoing is
7 true and correct and based on my personal knowledge, except those
8 matters stated on information and belief, and as to those
9 matters, I am informed and believe them to be true.

10 Executed this 16th day of July, 1991, at Los Angeles,
11 California.

12 
13 
14 _____
15 GERALD ARMSTRONG
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